ability of a law which includes coverage of revolving charge accounts has already proven itself in Massachusetts.

I am aware of the narrowly-based but strong pressures being exerted for a watered-down version containing serious exemptions, or for no bill at all. Unfortunately, the consumer is not organized to articulate effectively his needs and, as a result, he is no match for those who oppose even such a simple step as the disclosure of actual credit costs to the American public. It seems to me that the withholding of such information negates the revered American practice of free competition and operates to protect those who would for some reason hide the facts. Hide them, not only from those of us who as consumers would like to shop for credit as we shop for the best buy in other items, but hide them from other businessmen so that competition cannot truly be effective.

Although American consumers—and that is nearly 200 million of us—have no highly organized means of bringing our thinking to the attention of the Congress, I believe that action or failure to act on a meaningful Truth-in-Lending bill will be one of the major measures by which the public will judge the 90th Congress. Please let me know if this Administration can do anything to assist in the efforts to bring a strong Truth-in-Lending bill to the House of Representatives shortly.

Sincerely,

BETTY FURNESS,
Special Assistant to the President for Consumer Affairs.

The Air Quality Act of 1967

EXTENSION OF REMARKS
OF

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1967

Mr. EILBERG. Mr. Speaker, I am happy to support S. 780 as one of the sponsors of a similar bill in this House. The detailed and thoughtful structure of the bill bears eloquent testimony to the continued desire on the part of Congress to exert every effort, explore every new avenue which may return cleaner, healthier air to us all.

I believe that the principal measures embodied in this proposed legislation to complement what has already been done should go far in attacking the problem vigorously: Realistic air quality standards established and enforced by Federal and State agencies, for both stationary and mobile sources of air pollution; grants for further research and development in both Federal and private laboratories; the regional airshed approach to air pollution control; financial incentives to industry for the construction, operation, and maintenance of abatement facilities; and a set of enforcement procedures that is just, yet effective, and enlists the cooperation of all parties involved.

As a Representative of a highly developed industrial urban area and State, I am particularly concerned with that section of the bill dealing with accelerated research and development of air pollution control methods and equipment, and I urge strongly that favorable consideration be given to all its provisions.

Accelerated research programs to develop low-cost emission control devices for motor vehicles are urgently needed. Automobiles are the chief source of carbon monoxide, and they are the producers of photochemical smog, the effects of which have been felt in congested urban areas throughout our land. I am looking forward to the anticipated improvements resulting from the control devices which are mandatory on all 1968-model cars. However, much remains to be done to abate pollution resulting from fuel combustion effectively and thoroughly. Research programs to control combustion byproducts should include provisions for the practical demonstration of new processes and devices. The removal of pollutants may produce potentially valuable commercial byproducts, the use of which should be explored systematically.

The development and testing of new processes and devices is always costly. It involves the design, planning, construction, and installation of large demonstration plants, time-consuming operation of as yet unproven equipment, experimental and thus expensive use of new methods. There is no guarantee that a private company willing to engage in such a venture will be rewarded with profit. Under the financial provisions of this bill, the Federal Government and private industry and laboratories would be able to engage in joint ventures which will benefit large sectors of private enterprise. They would assure financial support by the Federal Government of new air pollution control projects which are still in the research and developmental stage.

I am pleased to note that the provisions of this section are not confined to research aimed at curbing emission from motor vehicles. Stationary sources of pollution contaminate the atmosphere as much as mobile polluters. About 95 percent of our growing industries are run by energy generated by burning coal and oil—fossil fuels which contain elemental sulfur as an impurity. During the combustion process, the sulfur is changed into sulfur oxides, one of the potentially serious health hazards in contaminated air. Devices now available can substantially control unburned carbon particles, fly ash, and cement plant dusts. However, more imaginative ways must be found to remove sulfur from the coal or to extract sulfur gases from the combustion products.

Coal is one of our most important natural resources and an economical source of heat and energy. Accelerated research and development of improved methods and equipment to control soot, smoke, and sulfur oxides is one way to improve the air we breathe, yet retain the use of one of the most abundant and inexpensive sources of energy at our disposal today.

Advocates of higher smokestacks claim to have found a solution to much of our pollution problems. However, particles distributed high in the atmosphere may significantly change the weather, serve as a core around which condensation might form, and change the reflectivity of the earth. Emissions from high stacks are joined by other sources of air pollution at high altitudes. Rocket exhausts and jet aircraft also introduce contaminants. When our supersonic transports start to operate at 70,000 feet, air pollution will extend to the fringes of the atmosphere. This, then, is another area for which intensified research efforts are indicated.

Mr. Speaker, I feel strongly that the provisions of the Air Quality Act of 1967 are an imaginative and practical sequence to our air pollution control efforts to date. They would provide the means for a joint, concerted undertaking in which the Federal Government, State and local authorities, and private industry could participate effectively. I urge that we give each section our careful and favorable consideration. Thank you.

SENATE

THURSDAY, NOVEMBER 2, 1967

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, as in reverence we hallow Thy name, so may we hallow our own, keeping our honor bright, our hearts pure, our ideals untarnished, and our devotion to the Nation's weal high and true.

We are grateful for this sweet time of prayer, that calls us from a world of care, and bids us at our Father's throne make all our wants and wishes known.

At this altar of devotion we would be sure of Thy presence ere pressing duty leads us back to a noisy, crowded way.

May the great causes that in these agitated days concern Thy human family, and especially the crusade to preserve threatened freedoms for all Thy children, the selfless ministries that help to heal the world's wounds and rebuild its waste places, the attitudes that create good will and make possible at last a just and righteous peace, command the utter allegiance of our labor and our love.

We ask it in the name of that One whose truth shall make us and all men free. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1985) to amend the Federal Flood Insurance Act of 1956, to provide for a national program of flood insurance, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a confer-

ence with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. MULTER, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ST GERMAIN, Mr. WIDNALL, Mr. FINO, and Mrs. DWYER were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 223. An act to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes;

H.R. 845. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Nebraska mid-State division, Missouri River Basin project, and for other purposes;

H.R. 5364. An act to provide for the conveyance of the interest held by the United States in certain real property situated in the State of Georgia; and

H.R. 8718. An act to increase the annual Federal payment to the District of Columbia and to provide a method for computing the annual borrowing authority for the general fund of the District of Columbia.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 1, 1967, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SETTING STRAIGHT PRESIDENT JOHNSON'S PRESS CONFERENCE STATEMENTS YESTERDAY

Mr. MANSFIELD. Mr. President, I wish to comment on the newspaper reports of President Johnson's news conference yesterday in which he supposedly "lambasted" Congress.

This, I think, is a distortion of what the President did say. He was not critical of Congress; nor did he voice anger or vituperation.

I carefully read the President's remarks. And if one word would characterize his press conference yesterday, that word would be "concerned."

The President is concerned, and rightly so, about vital legislation still in the congressional pipeline. And he is particularly concerned about the 10-percent surcharge proposal.

The President said:

We very much want it. We think it will cost the American people much less by taking the tax route that we have suggested than by taking the inaction route that is now being followed.

I think those of us in Congress who share President Johnson's commitment to this legislative program also share his concern about the fate of the tax surcharge, the war on poverty, social security amendments, firearms control, crime, truth in lending, elementary education, postal rates, and other key measures that await final congressional action.

The Senate has accumulated an 80-percent batting average—passing 78 bills out of 97 considered. This is a good record. But obviously, it can be improved.

As the President said yesterday:

While this session is not as good as the last Congress, this session, I think, will stand reasonably well compared to the previous Congresses.

The President did not criticize the Senate. He did not, in any way, rebuke Congress. And I deplore any published intimations that he did.

But, I would also hope that Congress would heed his words about the importance of the legislation still under consideration.

The people's needs and welfare are at stake in many of these measures still in the pipeline. And I hope and expect that the 90th Congress will proceed to promptly enact the majority of them before adjournment.

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 675.

The PRESIDING OFFICER (Mr. PEARSON in the chair). Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATION OF THE REQUIREMENTS OF A RESERVATION OF CERTAIN MINERAL RIGHTS

The bill (H.R. 5091) to amend Public Law 87–752 (76 Stat. 749) to eliminate the requirement of a reservation of certain mineral rights to the United States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 692), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 5091 is to remove an impediment to the development by the city of Needles, Calif., of certain lands needed for municipal development the sale of which to it was authorized in 1962 by Act of Congress. The subject lands comprise some 340 acres within the city limits of Needles or adjacent thereto.

The proposed legislation would accomplish this purpose by amending the original sales act to delete the requirement that the conveyance to the city contain a reservation to the United States of all minerals subject to the Federal mineral leasing laws.

Conveyance of the reserved mineral interests would be made on payment by the city of the fair market value of such interests.

BACKGROUND OF LEGISLATION

Public Law 87–752, enacted October 5, 1962, authorized the Secretary of the Interior to issue to the city of Needles, Calif., a patent to the 340 acres of public lands, situated within or near the city limits, upon payment by the city of the fair market value of the land plus the cost of the appraisal. The subject lands were needed by the city for municipal development. The law provides that payment for the lands must be made within 5 years from the date the Secretary notifies the city of the purchase price. Such notification was given the city, March 20, 1964, and thus the purchase period will expire March 20, 1969. Any deed or patent issued under Public Law 87–752 must contain a reservation to the United States of all leasable minerals.

This reservation of leasable minerals to the United States, with the ever-present possibility of mineral development that may not be compatible with intensive surface use, has made it difficult for the city to obtain subdivision or industrial development of the land. H.R. 5091 would eliminate the mineral reservation in future patents and would permit removal of the mineral reservation in the few patents already issued upon payment of the fair market value of the mineral interest plus the administrative costs of such a conveyance.

At the public hearing held by the committee on September 25, the Director of the Bureau of Land Management, Department of the Interior, assured the committee that the Interior Department had no objection to the bill and was satisfied from the findings of the U.S. Geological Survey that the dollar value of any minerals underlying the parcel "would be negligible or absent in the present state of knowledge."

The attention of the Senate is directed to the letter of June 20, 1967, to the chairman of the House Interior Committee in clarification of an earlier report on H.R. 5091 as introduced.

FINDINGS AND RECOMMENDATION

Evidence presented the committee shows that the mineral reservation does, de facto, cast a cloud on the title of the city and thus in effect results in a defeat of the purposes of the original authorization for sale for municipal development. Therefore, the committee recommends enactment of H.R. 5091 to remove such impediment.

AUTHORIZATION OF APPROPRIATIONS FOR CAPE HATTERAS NATIONAL SEASHORE

The bill (S. 561) to authorize the appropriation of funds for Cape Hatteras National Seashore was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy any final judgments rendered against the

United States in civil actions numbered 263 and 401 in the United States District Court for the Eastern District of North Carolina, Elizabeth City Division, for the acquisition of land and interests in land for the Cape Hatteras National Seashore. The sums herein authorized to be appropriated shall be sufficient to pay the amount of said judgments, together with such interest and other costs as may be specified by the court.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 694), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill, S. 561, introduced by Senators Ervin and Jordan of North Carolina, authorizes the appropriation of sufficient funds to satisfy judgments resulting from the filing of declarations of taking of lands within the boundaries of the Cape Hatteras National Seashore.

BACKGROUND

The act of August 17, 1937 (50 Stat. 669), as amended (16 U.S.C. 459 et seq.), which authorized the establishment of Cape Hatteras National Seashore, provided that property could be acquired within the boundaries of the seashore only by donation or purchase with donated funds. Approximately 18,000 acres of land have been acquired by donations of land and funds from the State of North Carolina, the Avalon Foundation, and the Old Dominion Foundation.

By 1956 it became apparent that donated funds would not be sufficient to acquire all private lands within the boundaries of the national seashore. The Congress therefore authorized, in the act of August 6, 1956 (70 Stat. 1066), the appropriation of not more than $250,000 to match funds donated for such acquisition.

Owners of 6,400 acres within the seashore were unwilling to sell, and it became necessary to institute eminent domain proceedings to obtain this land. The United States deposited with the court the amount of the fair market appraisal for the use of those affected by the declaration of taking. The property then vested in the United States.

Following the institution of the actions, a series of unfortunate and unforeseen events have delayed final judgments from being rendered. Such events include the long illness and subsequent death of the former U.S. district judge for the district and the ensuing period before the vacancy was filled, and the death of one of the members of the commission appointed to fix compensation.

S. 561 will authorize the appropriation of such sums as are needed to satisfy the final judgments in both actions, together with such interest and other costs as may be specified by the court. If the court adopts the award recommended in the commission report in civil action 263, the award in both cases will total $1,871,201. The additional amount which the United States will then be required to deposit with the court, plus interest to May 31, 1967, is $2,514,462.34. Until the additional amount is so deposited, interest will continue to accrue at the rate of $92,203.14 per year.

RECOMMENDATION

The Senate Interior and Insular Affairs Committee reports favorably on the bill and recommends its enactment.

BILLS PASSED OVER

The bills, S. 1321, to establish the North Cascades National Park, and so forth; S. 699, to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, and so forth; and S. 1946, to amend the repayment contract with the Foss Reservoir Master Conservancy District, and for other purposes, were announced in sequence as next in order.

Mr. MANSFIELD. Mr. President, I ask that these bills be passed over.

The PRESIDING OFFICER. The bills will be passed over.

STUDY AND EVALUATION OF EFFECTS OF LAWS PERTAINING TO PROPOSED REORGANIZATIONS IN THE EXECUTIVE BRANCH

The resolution (S. Res. 178) to provide additional funds to study and evaluate the effects of laws pertaining to the proposed reorganizations in the executive branch of the Government was considered, and agreed to, as follows:

S. RES. 178

Resolved, That S. Res. 59, Ninetieth Congress, agreed to February 17, 1967 (authorizing a study of the effects of laws pertaining to proposed reorganizations in the executive branch of the Government), is hereby amended on page 2, line 21, by striking out "$110,000" and inserting in lieu thereof "$115,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 705), explaining the purposes of the Senate resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 178 would amend Senate Resolution 59, agreed to February 17, 1967, by increasing by $5,000—from $110,000 to $115,000—the limitation on expenditures by the Committee on Government Operations for a study of the effects of laws pertaining to proposed reorganizations in the executive branch of the Government.

Pursuant to Senate Resolution 59 the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized to expend not to exceed $110,000, from February 1, 1967, through January 31, 1968, to make a full and complete study for the purpose of evaluating the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein.

Senate Resolution 178 would in effect restore $5,000 of the $10,000 which the Committee on Rules and Administration had cut from the original request of $120,000 for the purpose by the Committee on Government Operations at the commencement of this session of Congress.

ORIGIN OF RESEARCH AND DEVELOPMENT PROGRAMS FINANCED BY DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT

The resolution (S. Res. 177) to provide additional funds to study the origin of research and development programs financed by the departments and agencies of the Federal Government was considered and agreed to, as follows:

S. RES. 177

Resolved, That S. Res. 58, Ninetieth Congress, agreed to February 20, 1967 (authorizing the Committee on Government Operations to study the origin of research and development programs financed by the departments and agencies of the Federal Government), is hereby amended on page 3, line 16, by striking out "$75,000" and inserting in lieu thereof "$80,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 706), explaining the purposes of the Senate resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 177 would amend Senate Resolution 58, agreed to February 20, 1967, by increasing by $5,000—from $75,000 to $80,000—the limitation on expenditures by the Committee on Government Operations for a study of research and development programs financed by the Federal Government.

Pursuant to Senate Resolution 58 the Committee on Government Operations, or any subcommittee thereof, is authorized to expend not to exceed $75,000 from February 1, 1967, through January 31, 1968, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) The operations of research and development programs financed by departments and agencies of the Federal Government, including research in such fields as economics and social science, as well as basic science, biomedicine, research, and technology;

(2) Review those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals to determine the need for the establishment of national research, development, and manpower policies and programs, in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities; and

(3) Examine existing research information operations, the impact of Federal research and development programs on the economy and on institutions of higher learning, and to recommend the establishment of programs to insure a more equitable distribution of research and development contracts among such institutions and among the States.

Senate Resolution 177 would in effect restore $5,000 of the $10,000 which the Committee on Rules and Administration had cut from the original request of $85,000 for the purpose by the Committee on Government Operations at the commencement of this session of Congress.

PLANNING-PROGRAMING-BUDGETING

The resolution (S. Res. 176) authorizing the printing of additional copies of part 1 of the hearings entitled "Planning-Programing-Budgeting" was considered and agreed to, as follows:

S. RES. 176

Resolved, That there be printed for the use of the Committee on Government Operations four thousand additional copies of part 1 of the hearings entitled "Planning-Programming-Budgeting" held by its Subcommittee on National Security and International Operations during the first session of the Ninetieth Congress.

"RESEARCH IN THE SERVICE OF MAN: BIOMEDICAL KNOWLEDGE, DEVELOPMENT, AND USE"

The Senate proceeded to consider the resolution (S. Res. 181) authorizing the

printing of additional copies of the committee print entitled "Research in the Service of Man: Biomedical Knowledge, Development, and Use" which had been reported from the Committee on Rules and Administration, with an amendment on page 1, line 1, after the word "Resolved", strike out:

That there be printed for the use of the Committee on Government Operations one thousand additional copies of its committee print entitled "Research in the Service of Man: Biomedical Knowledge, Development, and Use."

And insert:

That the committee print of the Committee on Government Operations entitled "Research in the Service of Man: Biomedical Knowledge, Development, and Use", be printed as a Senate document; and that there be printed three thousand additional copies of such document for the use of that committee.

So as to make the resolution read:

S. RES. 181

Resolved, That the committee print of the Committee on Government Operations entitled "Research in the Service of Man: Biomedical Knowledge, Development, and Use", be printed as a Senate document; and that there be printed three thousand additional copies of such document for the use of that committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing the printing of the committee print entitled 'Research in the Service of Man: Biomedical Knowledge, Development, and Use' as a Senate document."

"STATE UTILITY COMMISSIONS"

The resolution (S. Res. 182) authorizing the printing of the committee print entitled "State Utility Commissions" as a Senate document was considered, and agreed to, as follows:

S. RES. 182

Resolved, That there be printed as a Senate document the committee print of the Committee on Government Operations of the Ninetieth Congress entitled "State Utility Commissions" (a study submitted by the Subcommittee on Intergovernmental Relations); and that there be printed two thousand four hundred additional copies for the use of that committee.

AN ADDITION TO THE NAVAJO INDIAN RESERVATION

The bill (S. 391) to amend the act of March 1, 1933 (47 Stat. 1418) entitled "An act to permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of March 1, 1933 (47 Stat. 1418), is amended by deleting all of that part of the last proviso of said section 1 after the word "Utah" and inserting in lieu thereof: "for health, education, and general welfare of the Navajo Indians residing in San Juan County. Planning for such expenditures shall be done in cooperation with the appropriate departments, bureaus, commissions, divisions, and agencies of the United States, the State of Utah, the county of San Juan in Utah, and the Navajo Tribe, insofar as it is reasonably practicable, to accomplish the objects and purposes of this Act. Contribution may be made to projects and facilities within said area that are not exclusively for the benefits of the beneficiaries hereunder in proportion to the benefits to be received therefrom by said beneficiaries, as may be determined by the State of Utah through its duly authorized officers, commissions, or agencies. An annual report of its accounts, operations, and recommendations concerning the funds received hereunder shall be made by the State of Utah, through its duly authorized officers, commissions, or agencies, to the Secretary of the Interior and to the Area Director of the Bureau of Indian Affairs for the information of said beneficiaries."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 710), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

The purpose of S. 391 is to broaden the provisions of existing law governing the use of revenue from oil and gas leasing on a portion of the Navajo Indian Reservation in Utah.

The act of March 1, 1933 (47 Stat. 1418), withdrew certain public lands in southern Utah "for the benefit of the Navajo and such other Indians as the Secretary of the Interior may see fit to settle thereon" and added the lands to the Navajo Reservation. The statute provided that 37½ percent of the net revenues accruing from tribal oil and gas leases of such lands shall be "expended by the State of Utah in the tuition of Indian children in white schools and/or the building or maintenance of roads across the lands described in section 1 hereof, or for the benefit of the Indians residing therein."

S. 391 would modify the 1933 act by permitting the State to expend such oil and gas revenues for the benefit of the Navajo Indians residing in San Juan County, which is a larger group than the Indians residing on the lands that were withdrawn by the 1933 act. The bill also would authorize the use of the funds for "health, education, and general welfare" of those Indians, instead of limiting such use to tuition in white schools and reservation roads.

BACKGROUND OF MEASURE

S. 391 is identical to S. 2535 of the 89th Congress, also sponsored by Senator Moss, as amended in accordance with the recommendations of the Department of the Interior and approved by the Senate on August 29, 1966. No action was taken on it in the other body.

At public hearings held May 10 this year, the committee was informed that there was a balance of approximately $5½ million in the funds derived from oil and gas leasing under the law. The State of Utah had in 1959 established a State Indian affairs commission to administer the fund to carry out the congressional mandate. The Indian beneficiaries were represented on the commission.

NEED FOR LEGISLATION

Restrictions in the 1933 statute and differing interpretations of those restrictions have prevented the most effective use of the substantial funds held by the State Indian affairs commission. First, differences in interpretation of the word "tuition" in the statute have resulted in litigation which leaves the commission in doubt as to how broad an educational program it may administer, especially in areas not now covered by Federal school-aid legislation. Second, road construction is difficult to plan when the roads under construction may be built only within rather narrowly defined areas. Third, many Navajo families do not live permanently within the lands set aside in 1933, but move back and forth between this area and other locations. The 1933 act requires that they be "residents" in order to qualify for help in the expenditure of the commission's funds, thus disqualifying a number of Indians from the commission's programs, and controverting the Federal Government's established policy of encouraging Indian integration into non-Indian communities and their pursuit of more lucrative jobs off the reservation.

In testimony before the committee, the Commissioner of Indian Affairs expressed the hope that S. 391 could resolve the above difficulties, by coordinating the work of various agencies now dealing with the Indians, and by giving the commission clear authority to expend funds in areas, such as education, health, and transportation, where they are great shortages of facilities and services. By making all Navajos within San Juan County eligible for the commission's programs, the bill would also enable more comprehensive programs and simplify administration of the funds.

ADDITIONAL BRIDGES AND TUNNELS, STATE OF MARYLAND

The bill (H.R. 11627) to amend the act of June 16, 1948, to authorize the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain additional bridges and tunnels in the State of Maryland was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 711), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill and the facts which recommend its enactment are set forth below in the language which is quoted from House Report 714, filed by the Committee on Public Works of the House of Representatives:

"PURPOSE OF THE BILL

"The purpose of the bill is to allow the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate a bridge parallel to the existing Chesapeake Bay Bridge in the State of Maryland from a point in Anne Arundel County at or near Sandy Point to a point in Queen Annes County at or near Kent Island; a bridge across or a tunnel under the Chesapeake Bay in the State of Maryland from a point in Baltimore County at or near Millers Island to a point in Kent County or a combined bridge and tunnel at such location; a bridge across or a tunnel under the Chesapeake Bay in the State of Maryland from a point in Calvert County to a point in Dorchester County, or a combined bridge and tunnel at such location; and an additional tunnel under or a bridge across the Patapsco River from a point at or near Hawkins Point in the city of Baltimore to a point at or near Sparrows Point in Baltimore County."

GENERAL STATEMENT

The act of April 7, 1938, and the act of June 16, 1948, authorized construction by

the State of Maryland of three bridges and a tunnel across the Chesapeake Bay. These authorizations provided financing of these structures by the sale of revenue bonds and included a pooling arrangement which would permit the toll revenues from the bridges and the tunnel to be used to discharge the debts at any of the individual structures. The present bill, H.R. 11627, would permit the addition of four other bridges or tunnels, or combined bridges and tunnels, to this financial structure and would permit them to be included in the pooling arrangement. All construction, maintenance, and operating costs of the new facilities will be borne by the State of Maryland and financed from toll revenues. There is no cost to the Federal Government.

The General Bridge Act of 1946 delegated to the States the power originally held by Congress to permit the construction of bridges over navigable waters. This delegation was subject to the qualification that plans for such structures should have the approval of the Secretary of the Army with respect to any requirements safeguarding the interests of navigation. Therefore, because of the fact that the bridges in this group were partly authorized by an act preceding the General Bridge Act of 1946 and because of the fact that the new structures authorized by this bill will participate in the financial pooling of revenue, an act of Congress is necessary to permit their construction.

Present and future needs require additional crossings to be constructed. Since the opening of the existing Chesapeake Bay Bridge in 1952, annual traffic volume has nearly doubled and it has been necessary to convert the bridge to single-direction operation a number of times each weekend between May and October, which has constituted delays from 30 minutes to 1½ hours. Traffic using the Baltimore Harbor Tunnel has increased to such an extent that it is queued up for long distances on almost every weekend of the year. The delays will continue to increase. With the increasing use of the Eastern Shore resorts, the industrial growth and harbor developments, the increase in the number of automobiles, the increase in population, and the increasing demands of the traveling public, the existing facilities will become even more inadequate. Additional facilities are required now as well as for the future.

Cognizant of this need, the General Assembly of Maryland during its 1967 session enacted into law a bill authorizing construction of the above-mentioned crossings. Enactment of H.R. 11627 will implement the State legislation and permit the State Roads Commission of Maryland to proceed with continued orderly planning, development, and construction of facilities to accommodate present and future needs.

FEDERAL COST

There is no cost to the Federal Government made necessary by H.R. 11627. The total financial obligation will be borne by the State of Maryland.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF FEDERAL BUREAU OF NARCOTICS

A letter from the Special Assistant to the Secretary of the Treasury (for Enforcement), transmitting, pursuant to law, a report of the Federal Bureau of Narcotics, for the calendar year ended December 31, 1966 (with an accompanying report); to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for more effective guidance to States in establishing rates of payment for nursing home care provided to welfare recipients, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated October 1967 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports granting third preference and sixth preference classifications to certain aliens (with accompanying papers); to the Committee on the Judiciary.

MODIFICATION OF LAWS RELATING TO HOURS OF WORK AND OVERTIME FOR CERTAIN EMPLOYEES IN THE POSTAL FIELD SERVICE

A letter from the Postmaster General, transmitting a draft of proposed legislation to modify the laws relating to hours of work and overtime for certain employees in the Postal Field Service, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITION

The PRESIDING OFFICER laid before the Senate a resolution adopted by the City Council of the City of Thousand Oaks, Calif., relating to the basic principle of Federal tax sharing with local governments, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare, without amendment:

H.R. 13048. An act to make certain technical amendments to the Library Services and Construction Act (Rept. No. 716).

By Mr. BARTLETT, from the Committee on Commerce, with amendments:

S. 2211. A bill to amend title 46, section 1159, to provide for construction aid for certain vessels operating on the inland rivers and waterways (Rept. No. 717); and

H.R. 162. An act to grant the masters of certain U.S. vessels a lien on those vessels for their wages and for certain disbursements (Rept. No. 718).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 2330. A bill declaring a portion of Bayou Lafourche, La., a nonnavigable waterway of the United States (Rept. No. 719); and

S. 2514. A bill to grant the consent of Congress to the Wheeling Creek Watershed Protection and Flood Prevention District Compact (Rept. No. 720).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KUCHEL (for himself and Mr. MURPHY):

S. 2615. A bill to authorize the establishment of the site of the discovery of San Francisco Bay as a national historic site, and for other purposes; and

S. 2616. A bill to authorize the Secretary of the Interior to designate the Skyline National Parkway in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. KUCHEL when he introduced the above bills, which appear under separate headings.)

By Mr. McGOVERN (for himself and Mr. MONRONEY):

S. 2617. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, soybeans, rice, cotton, and flaxseed; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. McGOVERN when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 2618. A bill to provide for orderly trade in scissors and shears; to the Committee on Finance.

By Mr. YARBOROUGH:

S. 2619. A bill to authorize the Secretary of the Interior to proceed with a loan and grant to the Hidalgo and Willacy Counties Water Control and Improvement District No. 1, Texas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. TALMADGE:

S. 2620. A bill to provide for the duty free entry of certain cellulosic materials imported for use in artificial kidney machines; to the Committee on Finance.

By Mr. JAVITS:

S. 2621. A bill for the relief of Aristidis Chrestatos; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2622. A bill to authorize the Secretary of the Interior to convey the Argos National Fish Hatchery in Indiana to the Izaak Walton League; to the Committee on Commerce.

By Mr. BREWSTER:

S. 2623. A bill to amend the District of Columbia Police and Firemen's Salary Act

of 1958 to abolish the rank of detective in the Metropolitan Police force, and to promote persons with such rank to the rank of detective sergeant; to the Committee on the District of Columbia.

By Mr. BAKER:

S. 2624. A bill for the relief of Dr. Rodrigo Victor de Valle; to the Committee on the Judiciary.

SAN FRANCISCO BAY DISCOVERY SITE

Mr. KUCHEL, Mr. President, early in 1769, Spain decided to occupy what is now California for itself, and thereby preempt its possible acquisition by other European colonialists. The form of the occupation was to be a chain of new missions with presidios, or forts, to protect them. Friar Junipero Serra was to found and head the new missions, while Don Gaspar de Portola was selected as the military commander in chief.

After leaving Father Serra in San Diego, which was to be the first Spanish settlement in California, Portola and a party of around 60 men set out by land in July 1769, to reach the Bay of Monterey. The slow-moving party took several months to reach the Monterey area, and, once there, failed to find the Monterey Bay. The party then continued the search to the north and on October 31, 1769, they sited the Farallon Islands and Point Reyes. The group decided to continue to press northward to what is now known as Drakes Bay, a well known land mark at that time. Two days later, on November 2, 1769, a hunting party from the Portola camp reported that an arm of the sea ran inland to the southeast. The next day the famous scout, Jose Francisco Ortega, confirmed this report. On Saturday, November 4, 1769, Father Juan Crespi, a member of the expedition, wrote in his journal:

> About one in the afternoon we set out to continue the journey following the beach to the north. We then entered the mountains, directing our course to the northeast and from the summit of the peak we beheld the great estuary or arm of the sea, which must have a width of four or five leagues, and extends to the southeast and south-southeast. . . . It is a very large and fine harbor such that not only all the navy of our most Catholic Majesty but those of all Europe could take shelter in it.

San Francisco Bay had been discovered.

Up until the historic day that Portola's expedition discovered what is now known as San Francisco Bay, the world's finest harbor was unknown to other than the indigenous Indians of the area. This is remarkable when one considers that for more than 200 years prior to the discovery of the bay, the Spanish were exploring the Pacific Coast. It is more remarkable to think that this, one of the world's great anchorages, was discovered by land and not by sea. Probably, this was occasioned because the Golden Gate is narrow, with islands and mountains visible beyond the low-lying bay when viewed from the ocean. Also, the bay entrance is frequently obscured by fog.

The discovery of San Francisco Bay led to the further exploration and development of the San Francisco region, which, in turn, paved the way for the development and greatness of the California of today.

The location of the San Francisco Bay Discovery Site is on top of the Sweeney Ridge at an elevation of about 1,100 feet. The site is highly picturesque and at present relatively unspoiled, commanding a magnificent view of southern San Francisco Bay, as well as of the Pacific Ocean coast as far north as Point Reyes. The people of the San Francisco Bay area, and, indeed, all Californians, are preparing to commemorate the 200th anniversary of the discovery of San Francisco Bay on November 4, 1769. The discovery of San Francisco Bay, however, has significance for all Americans.

Mr. President, since the discovery of San Francisco Bay is of national significance, I now introduce for appropriate reference a bill on behalf of my colleague from California [Mr. MURPHY] and myself to establish a national historic site at the location where Don Gaspar de Portola and his party discovered San Francisco Bay almost 200 years ago. This area, and approximately 30 acres surrounding it, if appropriately developed, will provide a meaningful addition to our system of national historic sites and landmarks. As a native Californian, I take special pride in introducing this legislation, and urge my colleagues in the Senate to look with favor upon this proposal.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2615) to authorize the establishment of the site of the discovery of San Francisco Bay as a national historic site, and for other purposes, introduced by Mr. KUCHEL (for himself and Mr. MURPHY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SKYLINE NATIONAL PARKWAY

Mr. KUCHEL. Mr. President, I have just introduced a bill to establish a national historic site at the location where the San Francisco Bay was discovered. Passing very near this location is one of the most celebrated scenic routes of the San Francisco Bay area, the Skyline Parkway. One of the finest areas of the Skyline Parkway is predominately in San Mateo County, Calif., extending along the ridge crest of the Santa Cruz Mountains the entire length of the county. The rapid urbanization of this area now threatens this beautiful and valuable resource.

I introduce, for appropriate reference, a bill on behalf of my colleague from California [Mr. MURPHY] and myself to establish the Skyline National Parkway in San Mateo, County, Calif.

The ridge top topography of the Santa Cruz Mountains lends itself to a parkway boundary pattern that is more or less self-defining. The ridge is gently undulating as one passes alternately from thick forested areas to open meadowlands. There are many foliage variations along the ridge route, and excellent plant growth is made possible by heavy rainfall in the winter and the presence of summer fog. The forests contain redwood stands, as well as mixed evergreen species, while the open grasslands, meadows, and stream-bank areas have distinctive tree and plant life of their own.

The summer fogs are quite spectacular within this region. The fog rolls in from the ocean and is pushed up the seaward slopes of the range by the ocean breeze. Low spots along the crest offer avenues of escape from the fog as it spills over onto the other side of the range into the canyons and onto the slopes. In the winter the valley fogs, as seen from the Skyline Parkway, appear to be a great white, undulating inland sea. This, too, is a fascinating sight which can be viewed from many of the scenic overlooks. The annual temperature averages in excess of 69° and the precipitation around 45 inches.

There are a great variety of geological formations along the Skyline Parkway which, taken as a whole, give rise to a distinctive, interesting, and highly scenic land form. Fossil remains can be found in the sandstone and shale. The San Andreas fault is an important feature associated with the Skyline Parkway. This huge fracture in the earth is an awesome, and historic, feature of the California coastline.

From scenic points along the drive a breathtaking panorama including the ocean, rolling hills, lakes, San Francisco Bay, Mount Diablo, Mount Hamilton, and many other features, both natural and man made, can be seen. When one considers that over 5 million people live within the nine-county San Francisco Bay metropolitan region, and that 10 million are expected to be there by the year 2000, the value of preserving this scenic area from the intrusions of urbanization can be appreciated.

The great need for all types of outdoor recreation facilities is continually reemphasized by those of us concerned with providing adequate recreation facilities for our ever-growing population. This need is especialy pronounced in the case of recreation areas close to urban population centers. The therapeutic value of having such a scenic and restful area within the easy reach of vast numbers of people cannot be overstated.

The Skyline National Parkway which I propose is in essence an elongated park embracing features of scenic, recreational, and historic interest. Its development and maintenance as a national parkway would preserve this wonderful area from being despoiled and overrun by indiscriminate urbanization. I strongly recommend that national recognition be given to this significant area on the Pacific coast.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2616) to authorize the Secretary of the Interior to designate the Skyline National Parkway in the State of California, and for other purposes, introduced by Mr. KUCHEL (for himself and Mr. MURPHY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

WE NEED AN EMERGENCY FOOD RESERVE

Mr. McGOVERN. Mr. President, I have today introduced a bill to establish an interim, farmer-owned, and farmer-controlled emergency reserve of wheat, feed grains, and soybeans, and to direct the Department of Agriculture to provide the Congress with data next year from which we can make a determination of the proper sized, long-term reserves this Nation should maintain of the commodities covered in my bill plus rice, cotton, and flaxseed.

We have talked about the need for emergency reserves of agricultural commodities for two decades to offset domestic or international emergencies resulting either from droughts or other natural disaster or from a possible military disruption of our food distribution system. But we have done nothing about establishing such reserves.

We have procrastinated about fixing the roof because it was not raining, but we should be about the business of setting forth guidelines for such a reserve without further delay.

I have limited the interim reserve proposal I made today to wheat, feed grains, and soybeans because this is an opportune time to deal with these commodities. Supplies of all of these commodities are so large that market prices are down and producers are suffering a serious economic squeeze. On September 15 wheat was selling for $1.39 per bushel compared to $1.71 on the same date in 1966. Corn prices are 25 cents per bushel below last year and still falling. Soybeans were $2.78 per bushel October 15 last year and $2.44 this fall—off 34 cents per bushel and 6 cents below the support level—in a year.

Production of all these commodities this year will run over a year's requirements. There will be an increase in stocks to be carried over into the next marketing year for each of them. That is why prices are down.

The establishment of an emergency reserve at this time can remove excess supplies from the market, strengthen prices and relieve the farm situation in some measure, and give us—at long last—the sort of real emergency reserve that so many people both in and out of agriculture agree that we should have.

This should be accomplished without any appreciable movement in retail food prices. Retail prices of foods based on the commodities involved have not reflected the considerable drop that has occurred in raw material costs, and they should not rise if the basic materials go back up to previous levels.

The bill I have introduced authorizes the Secretary of Agriculture to make contracts with producers, on a pro rata basis so far as practicable, to put 200 million bushels of wheat, 500 million bushels of corn or other feed grains, and 75 million bushels of soybeans into storage, under producer control, either on their farms or in elevators.

In consideration for storing commodities to meet future emergencies, the Secretary of Agriculture would advance the producers 115 percent of the loan value of the commodity—the loan is only $1.25 per bushel on wheat, $1.05 on corn and $2.50 on soybeans. The Secretary would further agree to carry the interest and pay reasonable storage costs on the commodities in storage. The advances proposed are somewhat above current markets, but they are still less than parity, they are lower than the market should be, and they are lower than the market will be when supply is at the release level proposed in the bill.

When and if carryover of wheat should drop to 15 percent of annual requirements, feed grains to 10 percent, or soybeans to 5 percent, the bill authorizes the Secretary of Agriculture to terminate enough of the emergency reserve contracts to replenish the supply available to the free market by 5 percent in the case of wheat and feed grains and 3 percent in the case of soybeans.

Let me illustrate this in the case of wheat. If annual requirements are 1.4 billion bushels, and free stocks drop below 210 million bushels, then the Secretary could terminate contracts on 70 million bushels of wheat in storage. If the emergency absorbed that and stocks fell again he could terminate more contracts, but not more than 5 percent of a year's supply at a time.

Termination of the contract would mean simply that the producers would have to start paying interest and the storage costs on the reserves they had in storage. They could sell the commodity and repay their advance, or they could continue to hold at their own expense. They would have a year to arrange for other credit to repay the advance, to sell and settle, or deliver the collateral.

The bill provides that the reserve stocks can be rotated to keep them in good condition, and that farmers can withdraw upon 60 days notice prior to the start of a new marketing year. This provision for withdrawal is essential to let farmers who are retiring, moving some distance, or have other reasons to drop out of the reserve arrangements, to do so. This provision is drafted to permit the Secretary of Agriculture an opportunity to arrange for replacement storage in the immediately subsequent harvest, so the emergency reserve stocks can be maintained.

Those who follow agricultural legislation and problems closely will, I am sure, identify two or three obvious advantages of this proposal for a farmer owned and controlled reserve, beyond meeting urgent needs for such a reserve, and the immediate need to bolster farm prices.

The provision for farmer ownership and control eliminates the fear that farmers and some agribusiness quarters have over Government dumping or withholding for price control purposes. Regardless of the validity of the charge that stocks have been dumped or withheld to affect prices in the past, the charge has been made against both of our last two Secretaries of Agriculture. It is a matter of concern in agriculture.

Under the bill I have submitted, the quantity of any of the commodities made available to the market by the termination of reserve contracts would be limited to 5 percent of annual requirements, and the farmer-producers could determine whether or not they wanted to sell or hold. His holdings would be available to the market but the market would have to be attractive enough to cause the farmers to sell.

The fact that release comes only when supplies are limited and prices should be good, reduces the need for searching for some agreeable scale of release levels. In reality, all such scales of release levels I have seen give the farmer-producers the least price protection when they need it most for the resale price is lowest when supplies are highest.

The farm price situation is extremely urgent, Mr. President.

Thousands of farmers are going to go broke this year if we do not take early action to increase their prices. Their distress will be multiplied if cheap feed encourages increased meat production—efforts to turn cheap feed into meat in the hope of getting higher prices—and cattle and hog prices are broken.

Because of the urgency of the farm situation, I have withheld this proposal until the House of Representatives acted on Congressman GRAHAM PURCELL'S reserve bill, which might have helped prices some. I understand it was rejected in subcommittee yesterday by an 8-to-6 vote.

It is my hope that the Senate will process reserve legislation speedily, create a bona fide emergency reserve, and thus solve a number of our problems.

The existence of a reserve will provide security for all our citizens from the standpoint of food supplies in any eventuality. The reserve's maintenance in the control of farmers will assure a broad distribution throughout the Nation, on farms and in elevators. Its existence will give the Secretary of Agriculture a margin of safety in setting acreage allotments; he can set them more precisely on an average yield basis when there is a cushion to protect against abnormal weather conditions, and avoid great oversupplies.

It is my very earnest hope, Mr. President, that we can proceed to the early consideration of this bill, and to other constructive suggestions for a reserve. American agriculture needs to be relieved from the low-price penalty it is now suffering as a consequence of answering the Nation's call last year for increased production.

The Nation did ask for more wheat, feed and soybean production. The producers responded, and we have an obligation to see that they are not penalized for their response by bankruptcy prices.

If the Senate will now show the way there is still time for the House to consider a reserve bill.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2617) to establish producer owned and controlled emergency reserves of wheat, feed grains, soybeans, rice, cotton and flaxseed, introduced by Mr. McGOVERN, was received, read twice by its title, referred to the Committee

on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2617

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That it is the policy of the Congress to establish and maintain reserves of storable agricultural commodities adequate to meet any foreseeable food and fiber shortage which might arise in the Nation as a consequence of any natural disaster, adverse food production conditions for one or more years, military actions, or other causes, and to assist other Nations of the world in any food emergency. It is further the policy of Congress to establish such reserves in the control of producers in years of surplus production and to assure their segregation from the commercial market so that existence of the reserves will not affect the level of market prices.

SEC. 200. The Secretary of Agriculture is authorized to enter into agreements during fiscal year 1968 with producers of not more than 200 million bushels of wheat, 500 million bushels of corn and/or its equivalent in other feed grains, and 75 million bushels of soybeans, all from the 1967 crop, to place such commodities in storage under their control until released under the provisions of this Act. To the extent possible, the opportunity to make such agreements shall be extended to producers who are cooperating in the appropriate programs on a pro-rata basis. In consideration of the producers' agreement to store such commodities, the Secretary shall make loans to the producers at 115 percent of the current price support loan rate on the commodities stored out of funds of the Commodity Credit Corporation, without interest, and shall pay reasonable storage charges each year so long as the commodities are not required for consumption; Provided, that when the domestic supply of wheat available to the commercial market at the beginning of a marketing year drops below 15 per centum of the year's requirements, the supply of feed grains drops below 10 per centum of the year's requirements, or the supply of soybeans drops below 5 percentum of the year's requirements, the Secretary of Agriculture may, on 60 days notice, terminate the payment of storage charges and waiver of interest charges on a sufficient amount of the earliest agreements to restore the commercial market supply of wheat and feed grain to a level 5 per centum of one year's requirements above the level at which the release of such emergency reserve commodities occurs, and of soybeans to a level 3 per centum above the release level. The holder of an agreement thus terminated shall have not less than a year following the termination notice to repay any government advances against the commodity involved, or until the time of sale of such commodity if it occurs earlier, together with interest at a rate of not more than 5 per centum per annum from the date of termination of the reserve agreement, or to deliver the commodity to the government, in discharge of any obligation.

SEC. 201. Producers may, under regulations prescribed by the Secretary of Agriculture, rotate commodities to keep the reserve stocks in good condition. A producer may terminate his agreement to carry emergency reserves at the beginning of a marketing year for such commodity by giving the Secretary of Agriculture notice of such termination not less than 60 days before the beginning of such marketing year, and by repaying any loans or advances to the government at the time of sale, or by delivering the commodity to the Secretary of Agriculture.

SEC. 300. The Secretary of Agriculture is hereby directed to have a study made of national and world food reserve requirements. Such study shall cover (1) wheat; (2) feed grains, including corn, barley, sorghum, oats and rye; (3) soybeans; (4) upland cotton; (5) rice; and (6) flaxseed. A report of findings of such study shall be filed with the President of the Senate and the Speaker of the House of Representatives as soon as possible but not later than May 1, 1968, and it shall include, but not be limited to—

(1) The average year-to-year yields of each of such commodities since 1900, adjusted for trend, and the differences in annual production such variations in yield might make from an acreage adequate at average yield to meet estimated national requirements in 1968;

(2) The cumulative deficit in supply which might result from a succession of below-average years comparable to any such succession of below average years which has occurred since 1900.

(3) The differences in year-to-year requirement for each commodity domestically, and in foreign trade and use, to reflect upsurges in demand on our supplies of each commodity resulting from natural disasters here or abroad, below average crops here and abroad, wars, or other causes.

A BILL TO AUTHORIZE THE HIDALGO AND WILLACY COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 TO REBUILD AND EXPAND

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to proceed with financial participation in a project to rebuild and expand the Hidalgo and Willacy Counties Water Control and Improvement District No. 1 of Edcouch, Tex., under the provisions of the Small Reclamation Projects Act of 1956.

Passage of this bill is urgently needed due to a unique situation which has occurred. The district had an application pending in the Bureau of Reclamation for financial assistance to rebuild and expand the existing facility which had deteriorated to some extent. Hurricane Beulah struck, and the facilities were damaged even more—levees were weakened, pumps lost, and ditches eroded. When the "major disaster declaration" of the President was forthcoming, funds were available from the Office of Emergency Planning to repair the hurricane damage. It of course would be futile to repair the district back to prehurricane condition since that condition was a state of general erosion.

There is every reason to believe that the district's application would be approved by the Department of the Interior under the Small Reclamation Projects Act if that act were being used. However, this project proposal cannot be processed through the regular provisions of the Small Reclamation Projects Act at the time.

On January 20, 1967, the Department of the Interior transmitted to the Congress draft legislation proposing an amendment to the Small Reclamation Projects Act. He also advised that after the end of the 89th Congress no further small reclamation projects would be transmitted to the Congress until the change he had suggested was adopted. This despite the fact that the law had been used for 10 years. In his letter of transmittal the Secretary of the Interior stated:

> The present provisions of subsection 4(d) are similar to those in a bill vetoed by the President. . . . In his veto message on that bill the President based his objection to such provisions on the ground that they violated the separation-of-powers doctrine. . . .

Section 4(d) states that no appropriation shall be made for financial participation in a project prior to 60 days from the time the Secretary of the Interior submits his findings and approval to the Congress, and then only if neither the House nor Senate Interior and Insular Affairs Committees disapprove the project proposed by committee resolution during the 60-day period. The Senate has passed a bill changing this section, but it has not yet passed the House.

While I do not necessarily agree with the conclusions of the Secretary either on policy or constitutional issues, it remains now that no small reclamation projects applications are being acted on favorably.

I therefore introduce this bill to avoid the objections raised by the executive branch of the Federal Government over the issue of "separation of powers" and to speed this rebuilding project to completion.

The participation authorized by this bill will be limited to a loan of $5,063,900 and a grant of not more than $54,000 for the purpose of rebuilding and expansion of the existing project. The district now has an application and a report submitted to the Bureau of Reclamation.

In all other respects the bill will be governed by the existing provisions of the Small Reclamation Act as amended.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2619) to authorize the Secretary of the Interior to proceed with a loan and grant to the Hidalgo and Willacy Counties Water Control and Improvement District No. 1, Texas, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to proceed with financial participation in a project proposed by the Hidalgo and Willacy Counties Water Control and Improvement District No. 1 (hereinafter referred to as the "District") of Edcouch, Texas, under the provisions of the Small Reclamation Projects Act of 1956 (70 Stat. 1044 as amended by 71 Stat. 48 and 80 Stat. 376) without regard to the provisions of section 4(d) of said Act.

SEC. 2. The participation authorized by the aforesaid provisions of the first section of this Act shall be limited to a loan of not more than $5,063,900 and a grant of not more than $54,000 for the purpose of assisting in the financing of a rehabilitation project as generally described in the District's

application report submitted to the Bureau of Reclamation on July 20, 1967.

SEC. 3. Except as otherwise provided in the first section of this Act, the Secretary of the Interior's participation in the aforesaid project shall be governed by the provisions of the Small Reclamation Projects Act as amended.

ADDITIONAL COSPONSORS OF BILLS

Mr. KUCHEL. Mr. President, on behalf of the Senator from Michigan [Mr. GRIFFIN], I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. SCOTT] be added as a cosponsor of S. 2541, a bill to provide for the issuance of a special postage stamp to commemorate the 50th anniversary of the independence of the Baltic States.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that at its next printing, my name be added as a cosponsor of the bill (S. 2527) to encourage the movement of butter into domestic commercial markets.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF AMENDMENTS

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from California [Mr. KUCHEL] be added as a cosponsor of amendments Nos. 123 through 129 to S. 830, the bill dealing with discrimination in employment of the aged.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 2, 1967, he presented to the President of the United States the enrolled bill (S. 223) to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. GORE:

Excerpts from a speech by him, published in the St. Louis Post-Dispatch of recent date.

CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE FIRST STAGE, OAHE UNIT, JAMES DIVISION, MISSOURI RIVER BASIN PROJECT, SOUTH DAKOTA

Mr. McGOVERN. Mr. President, I wish to express my appreciation to the Senate for the unanimous passage yesterday of the Oahe irrigation bill. The measure will have the effect of authorizing the first stage of this very important development project in north-central South Dakota.

I particularly wish to thank the majority leader [Mr. MANSFIELD] for the prompt handling of the bill in yesterday's action, and to express my appreciation to the chairman of the Committee on Interior and Insular Affairs [Mr. JACKSON], the ranking minority member of the committee, the distinguished minority whip, the Senator from California [Mr. KUCHEL], and also to the distinguished Senator from New Mexico [Mr. ANDERSON] who serves as chairman of the Subcommittee on Water and Power Resources.

I think this project will be of enormous benefit to the economic development of our State. I am most grateful for the prompt action of the Senate in passing the legislation. I hope it will be possible early next year for the House of Representatives to act on the authorization that is now pending there.

Successful field hearings have been held recently by a subcommittee of the House in our State, participated in by both Representative BERRY and Represenative REIFEL. It is my understanding that those hearings were very successful and that they should go a long way toward assuring early action by the other body.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered.

MONTANA IS CONCERNED ABOUT ITS SENIOR CITIZENS

Mr. MANSFIELD. Mr. President, the Secretary of Health, Education, and Welfare recently said that to the typical man who ends his work career at age 65, retirement means at least 25,000 hours of "extra time" for the balance of his lifetime expectancy.

He added:

Male retirees alone now number well over 5 million. The total time freed by this event amounts to over 100 billion hours.

Retirement, as we see it now in our society, leaves older people with a vast amount of time either for constructive use or aimless boredom.

Obviously, both society and the individual lose if retirement years are wasted. Hours are just as precious after age 65 as they were before—but only if they are put to satisfying use.

For many Americans retirement is a time for relaxation or for personal occupation in fields of special personal interest.

For many other Americans, however, retirement can become a time to give service. In helping others, they discover new meaning in their lives. And as we already know from the Peace Corps and VISTA, few experiences are more satisfying than self-discovery while working for something worthwhile.

I am happy to report that in my home State, educators and health administrators have given some thought to the usefulness of the elderly. I ask unanimous consent that several articles reporting on the details be printed in the RECORD.

The Great Falls Tribune, on August 10, described a pilot program for the training of individuals past age 55 to be teacher aides in public schools. This program could be of great significance not only in Great Falls, but elsewhere in the Nation. Another article, dated September 30, reports that at least half of those trained were employed in the schools in the first phase of the program.

Another project, described in the October 17 issue of the Great Falls Tribune, is enlisting the elderly as assistants in extended care facilities in Helena. Here again is an innovation that may be worthy of emulation elsewhere.

Finally, a Tribune editorial on October 8 urged the "Treasure State" to regard its senior citizens as golden ingots rather than as scrap metal.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Great Falls Tribune, Sept. 30, 1967]

THIRTY-TWO GET ORIENTATION IN TEACHER AID PLAN—INITIAL PROGRAM ENDS

HELENA.—The initial training program for senior citizens as teacher aides has been concluded, Dr. Gordon Browder, executive director of the Institute for Social Science Research at the University of Montana, said Friday.

"While it is too early to determine what the final disposition of aides will be," Browder told the Montana Commission on Aging meeting in Helena, "we do know that over one-half of those trained were employed during the first two weeks of the school year."

He said employment of additional persons during the year is assured.

Browder said about 65 persons finally were selected for training out of 200 applications.

He said those aides now employed are working in a variety of jobs—as library assistants, lunch period supervisors, playground supervisors and general classroom assistants.

Great Falls is one of four cities in the United States in which a pilot program is being conducted this summer in the training of senior citizens—persons over 55 years old—to be teacher aides in the schools.

Orientation programs have been completed in Missoula and Billings. The Great Falls course ends next week, while the fourth is under way in Dade County (Miami), Florida.

The idea originated in Montana, according to Dr. Raymond Gold of the department of sociology and the Institute for Social Science Research at the University of Montana.

At a meeting of the Governor's Commission on Aging several months ago when possibilities were being discussed for the employment of older persons in a productive capacity, the suggestion was made that they might be employed as teacher aides.

They could assist the teacher in the classroom, taking roll, checking grades, collecting money and doing other routine tasks which now take some of the teacher's time away from instructional duties.

All four men stressed the tentative nature of the project. They said no attempt is being made in the present stage to indoctrinate individuals wtih specific job skills. This will be done during an in-service job training period later.

The enrollees are being acquainted now with the philosophy of education and the position of education and its institutions in the social structure of the times.

Despite the fact teacher aides are not on the horizon now as far as the Great Falls public school system is concerned, project sponsors feel the program has definite possibilities. As far as the specific use of such older person in the schools in general is concerned, it is felt there would be good continuity of service, since they would not be inclined to move from city to city.

Heupel commented on the possible value of the men in the group in such a program as Headstart, for example. In many instances the children in Headstart have had no experience with a father, he pointed out. Men assigned to the Headstart program could give such children an understanding of the father's role in family life, he declared.

In a broader sense, the project sponsors feel the class can give an insight into the ability of older persons to absorb new skills and to put previous experience to new and different uses.

When the Great Falls project is finished, the results will be compared with those from the other three and a decision made as to whether or not to continue the program for another year.

After the second year, Gold said, the program should be self-generating and if such older persons can be absorbed into the school system, the program then could be handled entirely on a local basis.

Application was made to the U.S. Department of Health, Education and Welfare (HEW) and money was made available for the present series of pilot programs.

Thirty-two persons are enrolled in the Great Falls class meeting three hours daily for three weeks in Room 108 at Paris Gibson Junior High School. Three of the trainees are men.

There were no educational requirements for participation in the class, although applicants were subjected to careful screening to be sure only the most likely candidates were selected.

"They represent a very good cross-section of the community, with some of them coming from quite substantial families," Gold explained.

No assignment has been worked out by the school district for these individuals because of budgetary problems and other reasons. The use of teacher aides was not included in the district's 1967–68 school budget. The program was so late in getting started that there was no opportunity to include it.

Teacher aides are being employed in other school systems throughout the country in a tentative way, however, according to Gold. The larger systems have taken advantage of such assistance because of their greater flexibility in budgeting.

Three instructors, in addition to Gold, are involved in the program in Great Falls. They are Robert Farnsworth, who retired a year ago as superintendent of Great Falls public schools; Dr. William Evans of the University of Montana sociology department, and Willis Heupel, principal of Russell Elementary School.

[From the Great Falls Tribune, Oct. 17. 1967]

HELP CARE FOR ELDERLY: USE OF SENIOR CITIZENS IS EXTENDED BY PANEL

HELENA.—The Montana Commission on Aging has approved a year's extension of a nationally recognized program using senior citizens in assisting with extended care for elderly patients in St. John's Hospital, Helena.

The program, which began Oct. 1, 1966, was extended to October 1968, Lyle Downing, commission director, said Monday. The hospital provides $7,063 of the $17,658 program with federal funds providing the other 60 per cent.

Ten senior citizens are employed in the program cited last June by the National Conference of State Executives on Aging as a unique and outstanding project.

The assistants provide such help as letter writing, serving meals and helping feed the patients, manicures and companionship.

The extension was recommended by the commission's technical committee headed by Dr. William Harper, Helena. Other members, all of Helena, are attorney Thomas H. Mahan, Howard Ellsworth and State Rep. John Delano.

[From the Great Falls Tribune, Oct. 8, 1967]

SCRAP METAL OR GOLDEN INGOTS?

Senior citizens are truly golden ingots, according to Allen M. A. Buckingham of Denver, regional representative on aging for the U.S. Department of Health, Education, and Welfare.

Mining and bringing resources of senior citizens to the surface is not always easy and some of the nuggets seem to become lost in the smelting processes of our modern society, Buckingham contends.

In a talk, "Scrap Metal or Golden Ingots?" which he presented at the recent Montana Conference on Social Welfare at Butte, Buckingham emphasized there is a great potential in the senior citizens.

During the next five years, the following will retire, he said: 35,000 lawyers, 3,000 dieticians, 18,000 college professors, 12,000 social workers, 11,000 librarians, 32,000 physicians, 43,000 registered nurses and many thousands of school teachers.

"While these people retire, all of us in the helping services are crying for more help," Buckingham said: "Manpower is one of the biggest social problems we face."

Buckingham said there surely are ways of using retired talents on a part-time employed or volunteer basis.

Attitudes toward aging are changing in a positive direction, he said.

Aging is relatively new to our society, Buckingham pointed out. In 1900 the average person could expect 2½ years of retirement; today he can expect 15 years of retirement.

Aging is now regarded as a kind of social disease rather than a disease process as it used to be, he explained.

Complimenting Montana for being conscious of its rich resources in the state's senior citizens, Buckingham called for an accelerated program to take advantage of the talents of older persons. He strongly recommended comprehensive planning to relate the needs of our golden ingots to the total community and its needs.

Montana has made a fair start on a program for the aging. The state can brighten its reputation as the "Treasure State" if it regards its senior citzens as golden ingots rather than as scrap metal.

FOREIGN SERVICE DAY

Mr. PELL. Mr. President, today, November 2, is being celebrated as Foreign Service Day. Government officials currently responsible for U.S. foreign policy are joining in a series of high-level meetings and seminars on important foreign affairs matters. The 2-day session reunites retired as well as active officers from the Department of State, Foreign Service, Agency for International Development, and U.S. Information Agency.

As this body knows I have long had a special interest in the Foreign Service, of which I am a former member. I therefore take particular pleasure in noting this occasion and adding my own greetings to those of President Johnson. The President has issued a special message for the occasion which I ask unanimous consent to have inserted in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

I am happy to greet members of the Foreign Service of the United States on this day dedicated in their honor.

Foreign affairs today involve a vast range of relationships between peoples: information programs, cultural programs, technical assistance programs, educational exchanges, and international trade, to name only a few.

Although every major department and agency of the national government is now concerned with some phase of foreign policy, our ability to employ our vast resources to best advantage rests—in large measure—on the skill and dedication of those principally responsible for our foreign relations.

Americans in foreign service carry the major burden of representing the American people and their interests abroad. They are subjected to physical hardships and at times to physical danger. As President, I am well aware of the sacrifices we demand of them, and of their families.

The Foreign Service may be proud of the manner in which it discharges its great responsibilities. I believe it fitting that we set aside this day to honor those who serve their country abroad. By so doing, we show our appreciation for their contribution to the security and well-being of our nation, and to the peace of the world.

LYNDON B. JOHNSON.

TWO MONTANA NATURALISTS AND THE "GRIZZLY"

Mr. MANSFIELD. Mr. President, last evening, television viewers had an opportunity to view the first of the National Geographic Society's 1967–68 series of hour-long color specials, "Grizzly." The scene for the special series was the high country in Yellowstone National Park. The stars, in addition to grizzly bears, were Frank and John Craighead, brothers and eminent scientists, a well-known Montana family.

The television viewers watched the Craighead brothers and their students as they worked to learn how long a grizzly lives, how much land he needs, his weight, pulse, blood chemistry. All of these facts and more will provide the basis for a grizzly conservation program—insuring the future of this great wilderness bear. The National Geographic Society and Frank and John Craighead are to be highly commended for their efforts in bringing about a better understanding of the grizzly, especially in view of the unfortunate incidents in the Northwest during the past summer.

The Washington Post television critic, Lawrence Laurent, gave the program a fine review. I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FINE STUDY OF TWO NATURALISTS

(By Lawrence Laurent)

The unhurried quality of a National Geographic Special (CBS, Channel 9) gives a

special appeal to those infrequent programs. The themes and subject matter is always timeless with no effort made to demand or command attention.

The specials do very well in the ratings, however, and this is probably because the viewers have come to expect superior production, sound research and solid scholarship.

Last night's program, "Grizzly!" suffered only from a misleading title. The use of that word and the exclamation point led many to expect a program of violence, combat and gore. Instead, those who went past the title found superb color photography and a well told story of two remarkable men.

Frank Craighead Jr. and his identical twin brother, John, grew up in the Washington suburb of Chevy Chase. Their father was chief of the Division of Forest Insect Studies at the Department of Agriculture. The brothers earned Ph. D. degrees in Ecology, which is the study of the relationship between organisms and their environment.

For the past 20 years, the Craigheads have lived in homes they built in Wyoming's Grand Tetons, near Jackson Hole. They are scientists of the wilderness and what came through most strongly in this documentary is their love of the wilderness and wild animals.

The research they have done on the grizzly bear (Ursus horribilis) may prove helpful to man and to his scientific progress. But a better reason for their work was credited to John's daughter, Karen.

When Karen was 12 years old, someone asked her: "Why bother? What good is a grizzly anyway?" Her answer: "We want to save the grizzly because when he's gone, he's gone forever. And we can't make another one."

Working with the grizzly, it turned out, is only one of the projects pursued by the brothers Craighead. They're also concerned about the disappearing golden eagle, the predatory hawks, the Canada goose, and Yellowstone National Park's overpopulation of elk.

The best scenes, I thought, concerned the two Craighead families. They live happy, busy and independent lives. I also especially liked the scenes of the two muscular and fit brothers as they fished the wild river and fought rapids.

"Rivers," said John Craighead, "are fragile things, easily destroyed by man. A truly wild river is precious. Only a few still exist in America. Hopefully, we can save these few for future generations to enjoy."

The work in Yellowstone and the teaching of college students by each of the brothers would be motivation enough for most men. John had still another reason and it furnished the conclusion of the program:

"All creatures, including man, exhibit some common behavior, traits deeply rooted in animal instinct and animal drive. So as we strive to know ourselves and to understand our own behavior, we find there is much we can learn by studying other animal life; whether it be mice or grizzly bears."

With all the phony, dramatic heroics that abound in television, it was a treat to watch the self-sufficient, purposeful brothers at work. The National Geographic Society deserves credit, too, for showing the joyful activity of the men and their families.

Mr. MANSFIELD. Mr. President, the November 1967 issue of the National Geographic contains an excellent article on "Yellowstone Wildlife in Winter" by William Albert Allard. The article concerns the locale of last night's program. I ask unanimous consent to have the text of the Allard article printed at the conclusion of my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YELLOWSTONE WILDLIFE IN WINTER

(By William Albert Allard)

Over the ridge and across the creek the buffalo thundered. Belly-deep in midwinter snow, the lead bull had guided his herd of 80 in wild flight across four miles of rugged terrain. Strung out in single file, the great beasts crashed through icy creek waters and patches of lodgepole pine.

Now the chase was nearing its end and the hunters were closing in. But on this hunt there would be no trophies. Our mission was to trap and check the herd, part of the program of research and population control conducted here by the National Park Service.

The pursuit had begun one crystal-clear January morning on a snow-covered field at Mammoth Hot Springs, Wyoming, headquarters of Yellowstone National Park. Two helicopters poised there for take off. Park Service wildlife scientists rode in helicopter No. 1, and I sat in the other with pilot Robert Schellinger.

"Helicopter two . . . helicopter two . . . this is helicopter one."

"Go ahead, one," replied my pilot, and helicopter one came on again. "We'll try Hayden Valley. Maybe we can get a big herd moving."

The pilots applied power, and both craft lifted off.

Reflecting on the mechanical aids at our command, I thought this a strange way to pursue the magnificent animals that once, in vast herds, darkened the western plains. But perhaps I was still under the spell of a frontiersman named Osborne Russell.

In his *Journal of a Trapper*, covering 1834–43, he wrote: "If Kings Princes Nobles and Gentlemen can derive so much sport and Pleasure as they boast of in chasing a fox or simple hare . . . what pleasure can the Rocky Mountain hunter be expected to derive in running with a well trained horse such a noble and stately animal as the Bison?"

BUFFALO HUNT—20TH-CENTURY STYLE

As we skimmed along at 500 feet, the mountainous Yellowstone panorama spread out before our eyes like a rumpled quilt, with towering pines and deep snow forming a pattern of green and white. This was the winter wilderness that few Yellowstone visitors see.

In Hayden Valley we hoped to find buffalo and drive them toward a trap built along Nez Perce Creek. There blood tests would be given to detect brucellosis, a contagious disease that causes certain animals—especially cattle, swine, and goats—to abort their young. Diseased and surplus animals would be removed from the herd, and a few would be neckbanded to facilitate studies of bison movements.

We were almost to Hayden Valley when I saw four bull elk grazing in a snowy meadow. At the sound of our approach they dashed for the shelter of heavy timber.

"They're getting a little spooky," Bob said as the elk disappeared into the pine. "Each year the animals seem to get a little wiser and flush faster at the sound of a helicopter."

Our attention was drawn from the elk by the sight of the other helicopter veering sharply down. Following its lead, we were soon at treetop level over an open ridge.

"There they are!" Bob shouted. I saw the buffalo at the same time—about 80 shaggy beasts flecking the white ridge with brown.

For a moment they stood fast. Several pawed at the ground and lowered their heads as if threatening to charge the noisy intruders. Suddenly one swung into a gallop, and in an instant the others followed. In single file the herd rolled across the ridge. Pounding hoofs kicked up clouds of powdery snow.

"We have to keep them from splitting up and getting into the timber," Bob explained, as we dived quickly to head off a cow and a calf that seemed determined to leave the trail. By now I had slid back a helicopter window. Bitter-cold blasts whipped my face and hands as I photographed the galloping bison.

The drive was only ten minutes old when I noticed the buffalo were running with their tongues hanging out. Steam billowed from their nostrils. They couldn't go much farther at this pace, I thought. Surely they would drop from exhaustion. Yet they seemed to be running harder. Bob sensed my concern.

"They'll run like that forever," he said. "Their endurance will amaze you."

It did. The four-mile drive had included several creek crossings. When we left the buffalo, still ten miles from the trap, they looked tired but able to hit the trail again. They could rest now; we would drive them on into the trap on another day.

TRIBESMEN BANISHED, BUT GAME SURVIVES

Flying back to Mammoth Hot Springs, we passed over rolling hills and meadows laced with trails of elk, buffalo, bighorn sheep, and deer. Long before the winter of 1807, when trapper John Colter explored this country, the abundance of game had made Yellowstone a natural hunting ground for great Indian nations. First came the Shoshoni and Bannock, and later the Crow, Nez Percé, and Flathead, to fill their bellies and lodges with meat and hides.

In 1877, five years after Yellowstone became our first national park, the Nez Percé hunted the area for the last time, as Chief Joseph led them on an ill-fated retreat from U.S. Cavalry. Troops finally caught up with the Indians in Montana near the Canadian border, well beyond the park confines, and defeated them in battle. Chief Joseph and other survivors were sent to a reservation.

Today, thanks to an enlightened wildlife-management program, Yellowstone shelters a variety of game, much as when Indians and mountain men drifted through the wilderness. A good share of the credit belongs to former Superintendent Lemuel A. (Lon) Garrison and to Robert E. Howe, for ten years Yellowstone's park biologist. Recently Bob became superintendent of Sitka and Glacier Bay National Monuments in Alaska.

I visited with Bob in Yellowstone after returning from the morning's buffalo drive. Over coffee he briefed me on the goals of the management program.

"The National Park Service's objective," he said, "is simply to keep the park as natural as possible. We aim to have a representation of each wildlife species that existed in Yellowstone when the mountain men first arrived."

The wolf, Bob said, is the only original predator no longer found in Yellowstone.

"We realize now that we were too hard on the wolves and mountain lions in the early days," he said. "We hope eventually to reintroduce wolves into the park. But Yellowstone is surrounded by ranching country, and bringing back these predators would be a matter of serious concern to ranchers."

Mountain lions are occasionally reported in the park, and coyotes are abundant.

"Coyotes are no real threat to the big game herds," Bob said. "An elk or buffalo is more than a match for a coyote, and nature protects the calves. Like the young of all wild creatures, an elk or buffalo calf gives off almost no scent. A coyote could pass within ten feet of a newborn elk and not know it was there."

ASPEN THREATENED BY BROWSING ELK

Grazing competition between species has been a major problem in Yellowstone. To maintain the park's natural state, the vegetation must also be protected. In the early years animals could easily move into unpopulated areas outside the park for winter food. Now, as more people come to ranch or farm, the park's animals—especially its herds of elk—find winter forage increasingly scarce.

Elk wreak havoc upon aspen trees, devouring their young shoots. With no regrowth from seedlings, the colorful aspen could vanish from the park.

"We manage some animals indirectly," Bob continued. "Take those in the Mount Everts area, for instance. It's the primary winter range for some of our 300 bighorn sheep—but mule deer, elk, and antelope also graze there. If we think the elk competition is too great for the sheep, we manage the sheep indirectly by removing the elk. If we should find deer and antelope in a range struggle, we would probably remove deer because we have fewer antelope—about 200—and they are restricted to a much smaller area of the park."

Of the elk rounded up and trapped during the 1966–67 winter, 1,105 were shipped to federal and state agencies and private landowners. Others were released wearing bright colored neck bands that would aid in the study of their movements within the park.

BULL ELK GUARDS HERD'S FLANKS AND REAR

I left Bob's office with an invitation to fly on an elk roundup at dawn the next day. It was still dark when we took off, the helicopter rotors shattering the morning calm. I rode again with Bob Schellinger, while William Barmore, assistant park biologist, went with pilot Elwood (Swede) Nelson.

As the sky lightened, the horizon was broken by milky columns of steam rising from the hot springs. In the distance the magnificent Teton Range appeared high above the south approach to the park.

We found the elk herd quickly. Bob and Swede dipped low to round up about 100 head for the drive to the trap. Elk will scatter faster and farther than buffalo, and each move by Bob and Swede became a demonstration of their skill as pilots. Keeping the animals in control, maintaining safe distance between helicopters, and avoiding a deadly brush with the treetops demanded steady concentration and instant reflexes.

Some elk had reached timber. Bob dropped to just above the pines, and as we hovered noisily, the downdraft of rotors and resulting whirlwind of snow frightened the animals out into the open.

It was a short drive of about two or three miles, and soon we were within sight of the trap, hidden in an aspen grove. Seeking an escape, the elk ran directly into the timber enclosed by the trap fence. Most of the herd were cows and calves. A handsome bull with huge jutting antlers trailed behind. As is typical of elk, deer, and buffalo, the dutiful old man posted himself as a rear guard while the ladies led the way.

With the elk in the trap, Swede landed near the grove so that Bill Barmore could run to close the trap gate. Next day most of the animals would be loaded into trucks and shipped to areas far from the park.

If the winter is extremely mild, elk tend to scatter in small groups across the high country, where roundups by helicopter are not possible. Then some must be shot to reduce herds and thus avert starvation.

VISITORS DRAWN BY WINTER BEAUTY

As we headed for home, Bob took a few detours to give me a better over-all view of the Yellowstone wilderness.

On Hellroaring Mountain we watched a bighorn ram run pell-mell along a snow-rimmed crag. Wheeling south, we passed over Old Faithful just as it erupted, then crossed Pitchstone Plateau to the edge of the park and over the icy lid of Jackson Lake, sprawled beneath the Tetons.

Coming back, we spotted elk amid steaming geysers bordering the Firehole River. Along the Lower Geyser Basin we waved at sightseers standing beside the tanklike snowmobiles that had brought them in over the snowbound road from West Yellowstone.

Except for winding roads and scattered visitor and ranger facilities, 90 percent of Yellowstone's 3,472 square miles remains in the wilderness condition in which it was discovered. Until recently the park had seen few winter visitors; rangers and maintenance crews had it pretty much to themselves.

The day is perhaps not far off when large numbers of visitors, bundled up in snowmobiles, will see much more of the park's winter beauty. When that day comes, fleets of steel-treaded half-tracks will rumble across a land that once knew only the snowshoes of Indians and trappers.

CRUSTY SNOW DEFEATS THE BISON

Later that week I drove out to the Nez Perce Creek buffalo trap, where the herd from Hayden Valley finally had been corralled. From the main trap the bison were driven into a long chute. Then, singly, they were urged into "squeeze chutes," narrow stalls with steel bars to prevent the tossing of horned heads or other dangerous movements.

While a researcher attached identification tags to the animal's ears, a veterinarian tested for brucellosis. Bison that reacted positively, as well as surplus animals, would be destroyed. After calves were vaccinated, the herd would be set free once more.

As the taggers and testers did their work, I talked to them about the buffalo. It is a tougher, more adaptable animal than I had thought, comfortably adjusting to almost any condition except deep, crusty snow. When its food supply lies under a white mantle, it burrows with head swaying from side to side, brushing away the snow from the grass.

I had done some background reading on brucellosis, the disease that affects 23 percent of Yellowstone's 400 buffalo. It is caused by the bacteria *Brucella*, named for the British bacteriologist Sir David Bruce, who identified it in 1887.

Bruce's find came after he was sent to investigate the illness, sometimes fatal, of many British soldiers and sailors serving at Malta and elsewhere in the Mediterranean. The victims had drunk the milk of infected goats, and the disease that felled them was known for many years as "Malta fever," or "Mediterranean fever."

Brucellosis is widely known also as Bang's disease, after Dr. Bernhard Bang of Denmark, who isolated a closely related bacterium in cattle ten years after Bruce's discovery.

Malta fever now is called undulant fever, and humans contract it by drinking unpasteurized milk from contaminated cows or goats, or by direct contact with infected animals. Since nobody drinks buffalo milk, the main concern of Yellowstone officials is to cooperate with the Department of Agriculture in keeping brucellosis from spreading from the park bison herd to cattle on adjacent lands.

Treatment for the ailment in man is available, but so far there is no cure for animals. I learned that a partially effective vaccine for cattle is in regular use, and I wondered about the other hoofed animals. I put the question to a wildlife biologist:

"Aren't elk, antelope, deer, bighorn sheep, and moose also subject to brucellosis?"

"Those animals are much less gregarious at calving time than buffalo," he replied. "When the disease is conquered in buffalo, the effect on other wildlife, even now comparatively slight, is expected to die out."

As for undulant fever in man, it too, I learned, has virtually ceased to be a problem in the United States. In the old days, before pasteurization of milk was a routine practice, the Nation counted many thousands of cases annually; the total for as recent a year as 1947 was more than 6,000.

Since then, with state and federal health authorities cooperating, the annual incidence of undulant fever has fallen off dramatically. In 1966 the U.S. Public Health Service recorded fewer than 300 cases. Most were contracted from swine rather than cattle, and the victims were principally packing-house workers, farmers, or veterinarians who had direct contact with infected animals or diseased blood or tissue.

BISON HERD GREW FROM ONLY 20 HEAD

Yellowstone's present buffalo herd owes its existence largely to a conservation campaign initiated around the turn of the century. By that time indiscriminate slaughter by poachers had left the park with about twenty bison, where once there had been thousands.

In 1902, with a $15,000 appropriation from Congress, the park obtained 18 female bison from the Pablo-Allard herd on the Flathead Indian Reservation in Montana, and three bulls from the ranch of Col. Charles Goodnight in the Texas Panhandle. This action has been recorded as the first real effort to preserve and perpetuate the species *Bison bison*.

A century or more ago, an estimated 60 million buffalo roamed North America. In the two decades following the Civil War, most were slaughtered, so that by 1889 the species was facing extinction. Today, there are about 12,000 in the United States, 11,000 in Canada.

COYOTES FEAST ON FALLEN GIANTS

During my winter visit to Yellowstone I found I could keep abreast of gossip about wildlife and other matters by frequenting the restaurant of the Town Motel in Gardiner, Montana, at the parks' north gate. There one evening I encountered Dr. Paul Holcomb, a Department of Agriculture veterinarian working with the Park Service on brucellosis control. He had heard that I was hoping to make night photographs of coyotes feeding.

"You'd better get right out to the Slough Creek trap," he said. "We lost a couple of elk out there today. They were injured and had to be destroyed. You can count on plenty of coyotes tonight."

I hurriedly packed sandwiches and coffee into the car and headed for Slough Creek (map, page 642). A big mule deer's startling leap across the icy road 40 feet in front of me highlighted the 30-mile drive. Soon I turned off the main road, weaving and bumping along a plowed path to the elk trap, a mile back in the hills.

Doc Holcomb had been right when he said there would be plenty of coyotes on the scene. As I drove within sight of the trap, a dozen pairs of eyes blazed yellow in the glare of the headlights, then vanished into the moonless night. The elk carcasses stood out against snow already trampled with coyote tracks.

It was almost midnight when I had set up my electronic-flash units near the carcasses and returned to the car, 15 yards away.

Only a minute or two slipped by before my vigil was interrupted by one of the most spinetingling—yet beautiful—sounds of the wild. Coyotes were calling out of the darkness. Each piercing cry reached out to me. Cold and mournful, the indescribable sound reached its peak, then blended with the night.

For the remainder of the evening I would be an uninvited guest at dinner.

The cries of the coyotes grew closer . . . closer. Then they stopped, and the air was still. Camera in hand, I huddled in the car and waited. I felt I was not alone. They were probably all around me, sitting on their haunches, waiting. The presence of my car would not frighten them; they were familiar with man scent around the elk trap. But I must not move. The slightest movement would send them slinking off into the brush.

NOCTURNAL DINERS FINALLY ARRIVE

Snow was falling gently now as I peered into the darkness. Suddenly, what had appeared to be a still, dark object became a shadow crossing the open snow. Then another . . . and another. I slowly aimed the camera, released the shutter, and a brilliant burst of

light revealed a sleek coyote straddling his meal (page 650) while several others watched from a few yards away.

The electronic flash did not seem to disturb them, so I quietly continued making pictures. Perhaps they had become accustomed to the constant beam of a miner's headlamp I wore to assist me in focusing.

Although there was well over a thousand pounds of meat for the taking, only one or two coyotes at a time would come in to feed. The others had to wait their turns. Any attempt to slip in for a quick bite brought a snarling, hair-bristling attack from those already eating.

Ordinarily the waiting coyotes would have been much more daring and bold in their hunger. However, it was an unusually mild winter and small game and field mice, the normal coyote diet, were plentiful. Tonight the scavengers were fat and patient.

Dawn brought my work to a halt. My presence was too obvious now, and the coyotes retreated. Most of the meal was still untouched, but I knew that with my departure the coyotes would return and finish their feast. By evening only skeletons would remain.

Driving away from Slough Creek, I saw a lone coyote trotting across a hilltop toward the elk trap. In the somber morning light I imagined he might be heading for the remnants of a Shoshoni buffalo hunt—were it not for the droning reality of my 20th-century automobile engine.

RANGER FAMILIES HOLD SKI FROLIC

Shortly before leaving Yellowstone, I spent several days with Ranger Gary Brown and his family. I had passed their cabin many times while cruising the Northeast Entrance Road along the Lamar River (page 657).

We met at a Saturday ski outing for park employees and their families on a gentle slope at Undine Falls, east of Mammoth Hot Springs. The children competed in downhill races and the parents had a contest of their own—an obstacle race with each contestant wearing one ski and one snowshoe while climbing over hay bales, under tarpaulins, and through automobile tires.

Winter brings a slower pace for the rangers. If they're not working on a roundup, they help build and repair equipment and patrol the roads for snowbound cars. The road from Mammoth Hot Springs to Cooke City remains open to the public in winter.

Gary also makes two- and three-day ski patrols to count wildlife. During these trips he stays overnight in well-stocked patrol cabins spaced ten to twelve miles apart in the back country.

NATURE'S PLAN SURVIVES IN THE PARK

On a Monday I accompanied Gary on a patrol to Trout Lake, a quarter of a mile off the Northeast Entrance Road. Gary clamped on his skis, but I stuck to snowshoes.

We flushed a big bull buffalo from the timber on our way in. On our return Soda Butte Creek was busy with chattering ducks.

Heading home, we saw the carcass of a young buffalo lying in the snow across the creek. Too weak to keep up with the herd, she had fallen behind and died.

"I'd better check her for our researchers," Gary said, and he crossed some ice to examine the carcass. He returned with two eartags.

It was getting late. Far off on a sage-dotted flat, four coyotes waited for nightfall, when they would feed on the fallen buffalo.

That evening I thought of something park biologist Bob Howe had said weeks earlier:

"Many people think of wild animals as being either good or bad. But in nature that isn't true. And it isn't true in our national parks. Here everything lives on something else, everything has its place—and that's the way nature planned it."

In Yellowstone I had witnessed the Park Service's dedicated efforts to preserve the magnificence of a rugged country and its wild inhabitants. Perhaps it was this magnificence that trapper Osborne Russell wanted to record in his journal as he gazed upon the Yellowstone wilderness more than a century ago—"I almost wished I could spend the remainder of my days in a place like this where happiness and contentment seemed to reign in wild romantic splendor. . . ."

It's that kind of country.

CHERI PASKY, WEST VIRGINIA TEENAGE GIRL, BELIEVES YOUTH HAS CITIZENSHIP RESPONSIBILITY—SHE ENDORSES COMMITMENT TO WORTHWHILE CAUSES

Mr. RANDOLPH. Mr. President, on Saturday, October 28, I was privileged to address the sixth annual convention of the West Virginia Labor Federation, AFL–CIO. Miles Stanley is the exceptionally able president of this organization.

The convention members adopted meaningful resolutions calling for the grassroots involvement of the labor movement in constructive social and economic programs for community development. It is my belief that such participation by local labor organization membership is commendable—it is needed.

My comment was addressed to the pressing demand for a "Mobilzation of Our National Resources" to meet the challenges of providing new jobs, housing, training, educational opportunities, and health care for our citizens. This is a mobilization which demands the participation of government at all levels, labor, industry, civic and religious organizations and, most important, the individual.

In response to these remarks a teenager has written to me suggesting that "the youth of America could be very influential if brought together in a positive movement" for total involvement of our citizenry, Miss Cheri Pasky, of Parkersburg, W. Va., eloquently expresses a genuine concern for the future of our country and a realization of her obligations. Her thoughts were encouraging as evidence of young people who are energetically striving and thinking constructively for worthy causes.

Cheri is not demonstrating in opposition to a person or a policy. Rather, she is recognizing her responsibility as a citizen of our Nation. She states:

I write this because I myself am a teenager and I care what happens to my country. We are to be the leaders of America so I think we should start taking an interest in the U.S. now and not when we're twenty-one.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PARKERSBURG, W. VA.,
October 31, 1967.

Senator JENNINGS RANDOLPH,
Senate Office Building,
Washington, D.C.

SENATOR RANDOLPH: At the sixth annual convention of the West Virginia Labor Federation, you called for a "total involvement" of our resources: government, industry, and the people themselves, to meet the needs of today's America.

I am inclined to agree with your suggestion. So many Americans complain about foreign policy, the tax boost, the demonstrations, etc. But I think they fail to realize that nothing is accomplished by complaining. They must take positive action to improve situations. If the United States is to advance at all, it will be through the efforts of its citizens.

The youth of America could be very influential if brought together in a positive movement. I think they have proved this by such organizations as VISTA and the Peace Corps. They are heard, and I think the government should make use of their energies instead of bringing them down. The majority of the demonstrations prove they are interested. If they were channeled in the right direction, I'm sure they could make America sit up and listen. They could very well be the uniting factor in the "total involvement" you call for.

I write this because I myself am a teenager and I care what happens to my country. We are to be the leaders of America so I think we should start taking an interest in the U.S. now and not when we're twenty-one.

Sincerely,

CHERI PASKY.

DEPARTURE OF LIVINGSTON L. BIDDLE FROM FEDERAL SERVICE

Mr. PELL. Mr. President, it is with much sadness that I invite the attention of the Senate to the departure from the Federal Government of Livingston L. Biddle, deputy chairman of the Endowment for the Arts.

A National Foundation on the Arts and Humanities was little more than a long-held project and idea when I invited Livingston Biddle to join my staff. His prime responsibility was to help take this concept and turn it into an actuality through legislative enactment. This was truly a formidable undertaking in that the legislation was considered by many to be radical, and had, in fact, been considered for more than half a century—with nary a result.

Livingston L. Biddle, who was given this difficult task, was not a lawyer, not a political scientist, not a legislative draftsman, but happily was an individual dedicated to the concept that an understanding of the arts and humanities, and Government support thereof, would bring greater fulfillment to the lives of all our citizens. Actually, his background was that of a successful novelist, a career that had grown out of the depth and breadth of his education and values.

During the hearings and meetings devoted to enactment of the bill, Livingston Biddle performed not only a legislative function, but in my mind, educated many of us in the Senate to the value and need of this type of legislation. We do not need to belabor the process; but suffice it to say that on September 29, 1965, President Johnson signed Public Law 89–209, the National Foundation on the Arts and the Humanities Act of 1965.

And the work was helped by the fact that the senior Senator from New York [Mr. JAVITS] had pioneered and labored for this idea for many Congresses. He continued to lead and help in every way in bringing it to legislative enactment. In fact, both of Livingston Biddle's new Senators, Mr. JAVITS and Mr. KENNEDY, supported the work in every way.

Upon the establishment of the En-

dowment for the Arts, Livingston Biddle was tapped to fill the post of deputy to Chairman Roger Stevens. Since that time, the Endowment has performed admirably, and within its limited budget gained those objectives which the Congress had set for it. No public administrator has been more helpful and displayed a conscientiousness that went beyond the normal commitment to a job than did the deputy chairman. Livingston Biddle helped Mr. Stevens guide the Endowment for the Arts from its fledgling beginning into a Government agency which already has had a great influence on our country. Our recent hearings in the Special Senate Subcommittee on Arts and Humanities not only fully demonstrated the present good health of the Endowment, but also spoke of its future growth. In my mind, much of this past record and promise of greatness for tomorrow is a direct outcome of the work of Livingston Biddle.

It was recently announced that Mr. Biddle has been appointed to be chairman of the newly established Division of Fine Arts at Fordham University. He will be charged with organizing a school which will ultimately have 3,000 students. Again he will be given the responsibility of taking a concept and making it a reality. I can think of no better individual to do the job.

In his future work, I wish Liv Biddle the best of luck. He has attained what few can in life—he has seen dreams and work becoming a force for good for his fellow man. His qualities of character, thoroughness, intelligence, political acuity and the willingness to submerge himself in his work and to an ideal have served well the Endowment for the Arts. He has always sought—and achieved—excellence in his work and life. I am sure he will meet with as great or greater success in his new task.

To Livingston Biddle, I say, "Thank you for a job well done, and best of luck for the future."

LOWER THE VOLUNTARY RETIREMENT AGE TO 60

Mr. BYRD of West Virginia. Mr. President, I would like to take this opportunity to commend the Senate Finance Committee for its favorable action this week on my amendment to lower the social security voluntary retirement age from 62 to 60.

My amendment, which would not impose any additional tax burden on either the worker or his employer, would permit a participant under social security the option to retire voluntarily at age 60 and receive reduced benefits for the rest of his life. Under provisions of my amendment, monthly benefit checks of a retiree at age 60 would total approximately two-thirds of the amount the beneficiary would receive if he waited for full retirement at age 65.

Mr. President, the provisions of my amendment, if upheld in conference, would take effect on July 1 of next year. At that time, the Social Security Administration estimates, 3⅓ million persons would be eligible to apply for reduced benefits. In West Virginia there would be 35,000 eligible.

Obviously, many persons have neither the desire nor the need to retire at age 60. My amendment is designed only to help the persons who do need to retire, and who elect to retire. The Social Security Administration estimates that there would be 10,000 such persons in this category in West Virginia and 750,000 in the rest of the country.

Regarding the cost of the provision, I am told the initial added outlay in the first year would total $542 million if the conferees hold up the benefit formula recommended by the Finance Committee. There would be no additional cost to the social security system in the long run, however, because of the fact that early retirees would be receiving reduced payments.

It is rare indeed, Mr. President, when Congress has the opportunity to assist our older citizens in a way which does not place an added burden on their children. My amendment offers such a way.

The persons who would most benefit under my amendment are the persons who, because of illness or unemployment, cannot wait until age 65 to retire, much as they might wish to do so. Illness and automation more and more are causing older persons to lose their incomes and forcing them into early retirement. My amendment is a modest effort to aid such persons, while keeping social security on an actuarially sound basis.

Mr. President, I wish to thank my distinguished friend from Louisiana for his support of my amendment in his committee and to thank my colleagues on the committee for their perceptiveness and willingness to act favorably on a matter which is of such vital importance to so many millions of American citizens who are at or nearing the retirement age. It is gratifying to have committee support this year for an amendment which was introduced by me on the floor in prior years and lost in conference. I trust my colleagues will lend their full support to the matter when it reaches conference again this year.

MRS. THOMPSON MAKES AN IMPORTANT POINT

Mr. HANSEN. Mr. President, one of this country's most outstanding public officials at the State level is Mrs. Thyra Thompson, secretary of state for Wyoming. She has served in that capacity now for 5 years and, under our statutory provisions, is a hard-working, voting member of literally dozens of boards and commissions which run the State of Wyoming and serves as Acting Governor when Wyoming Gov. Stan Hathaway is out of the State. It was my very real honor to have Mrs. Thompson serve as secretary of state during my term of office as Governor of Wyoming from 1963 to 1967, and I am pleased that she is continuing to serve Wyoming, the West, and the Nation.

Mrs. Thompson made an excellent statement recently on the mineral royalties question when she spoke to students at our Wyoming high school journalism meeting in Casper. She recommends two courses of action: First, the disposal of Federal lands other than national parks, forests, and essential lands; or second, the return of a greater percentage of these mineral royalties to the States. I am convinced that we should try to accomplish some of both.

Because Mrs. Thompson's remarks have such far-reaching importance, I ask unanimous consent that an article commentary on her address and published in the Wyoming State Tribune, Cheyenne, Wyo., be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES ASSERTED TAKING MOST OF STATE'S MINERAL WEALTH

The federal government takes the lion's share of Wyoming's mineral treasure, Secretary of State Thyra Thomson told 350 high school students in Casper today.

Keynoting the statewide High School Journalism Weekend, Mrs. Thomson said that since 1920 the federal government has taken $581 million from mineral leases in Wyoming, or $206 million more than the appropriations to run all of state government during that time.

Mrs. Thomson pointed out that the federal government holds the mineral rights on a huge 72 per cent of the entire state.

"Can Wyoming emerge as a prosperous state while 72 per cent of her mineral wealth is siphoned into federal coffers?" Mrs. Thomson asked. "If we are looking for new sources of revenue, this is the first place we should look," Mrs. Thomson said.

She said that Texas, Pennsylvania and other states get to keep the wealth from their minerals while the federal government takes the lion's share of ours. Mrs. Thomson pointed out that 38 per cent of all federal revenue from minerals in the United States is extracted from one state—Wyoming.

Of the $581 million collected from Wyoming lands only 37½ per cent was returned to the state, while the federal government credited 62½ per cent to the reclamation fund and to administration, according to Mrs. Thomson.

"While undeniably there was merit to the original concept of reclamation," Mrs. Thomson said, "there is little justification to continue putting the major portion of our mineral wealth into this fund. Less money has been loaned to us than we have paid in. The word "loaned" is most important because we must repay all monies spent on reclamation projects in our state."

"Of the almost $800 million credited to the reclamation fund from the public lands states, a huge 38 per cent was taken from our one state of Wyoming. In other words, Wyoming capital is being used to finance reclamation projects in other states. Moreover, since the fund is a revolving one, it should be self-sustaining by now."

Mrs. Thomson said it is vital that Wyoming express itself now on these matters because we are at the threshold of extensive mineral development in Wyoming. "Successful action must be taken now to have a greater share of these revenues returned to the state or the millions of dollars of our mineral treasure taken by the federal government will multiply many times over during the coming decades," she added.

She said there were two courses of action which could be taken: First, the disposal of federal land, other than national parks, forests and essential lands, or, secondly, the return of a greater percentage of these mineral royalties to the state. She said that both of these courses of action were called for by resolutions passed by the 13 western states.

She pointed out that upon its admission to the union it was agreed that Alaska should have 90 per cent of its federal mineral royalties returned. Only 37½ per cent is returned to Wyoming. She said that coastal states

had laid claim to oil even under their tide lands, yet the federal government laid claim to 72 per cent of all the minerals under the State of Wyoming.

Mrs. Thomson prefaced her remarks to the student journalists by saying she would not advise them on how to write since they had much better qualified people than she to do this. Rather, she said, the foremost thing in good journalism is to have something to write about.

REFLECTIONS ON VIETNAM AND KOREA

Mr. McGOVERN. Mr. President, one of the most provocative essays I have read on American foreign policy in recent weeks is a piece written by Mr. Richard H. Rovere and published in the New Yorker magazine of October 28, 1967.

Mr. Rovere treats the Vietnam issue against the background of our earlier involvement in Korea. He detects in the current attitudes of many Americans a growing sentiment "not simply against the war in Vietnam but against war itself."

I ask unanimous consent that this thoughtful article by one of our most perceptive writers be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REFLECTIONS: HALF OUT OF OUR TREE

"This is not 1948; LBJ is not Harry Truman; and Vietnam is not Korea."—*From an editorial in the New Republic, September 30, 1967.*"

So say the liberal doves—or at least some among them who were adult and articulate in 1948 and 1950 and who must somehow square past and present. The younger dissidents need not trouble their minds or their consciences about what went on in the Dark Ages, but those over thirty-five or forty must in one way or another confront certain moral, political, and intellectual problems created for them by the views they held two decades ago. Consistency may be a mean virtue, but many people prize it highly and go to remarkable lengths to show others and themselves that they possess it.

It is always easier to deny than to establish the validity of any given historical analogy. If history really repeated itself, its study would be at once boring and terrifying. But analogy can have a limited validity and can, like metaphor, yield and enrich insights. Moreover, where a denial is so flat and emphatic, it is advisable to take a close, hard look. Why should anyone insist that "this is not 1948"? People are capable of keeping track of the years without assistance. Why bring up 1948 instead of 1964 or 1952—or, for that matter, 1776? Why not say that Lyndon Johnson isn't Calvin Coolidge or the Shah of Iran, and that the war in Vietnam isn't the Mexican War or the Wars of the Roses? Clearly, the two years, the two men, and the two sets of events that are mentioned together have, or appear to have, something in common.

There is, as it happens, one quite striking way in which Presidential politics today very much resembles the Presidential politics of 1948. Then, as now, many liberal Democrats wished very much to be rid of a liberal Democratic President. Though in the end most of them probably voted for Harry Truman against Thomas E. Dewey, a few supported that year's "peace" candidate—Henry A. Wallace, who had recently resigned the editorship of the *New Republic*—and others, early in the year, had made strenuous efforts to get the Democratic Party to dump Truman and name as its candidate the then Chief of Staff of the United States Army, Dwight D. Eisenhower. (Improbable as it sounds, General Eisenhower might be described as the Robert Kennedy of 1948. General Eisenhower declined to become involved, although it is said that when he was approached on this matter by some leaders of Americans for Democratic Action, his response was that he would consider accepting the Democratic nomination if he could get the Republican one as well.)

True, the motives of the 1948 liberals were quite different from those that spur today's liberals into disowning Johnson and contemplating support for a conservative Republican, provided he is less of a hawk than the President. The dump-Truman people did not hate the then President, they merely scorned him and feared that the Democratic Party could not win with him; what the dump-Johnson people fear is precisely the opposite—a Democractic victory that would keep the despised incumbent in office. The dump-Truman people, like everyone else, believed the opinion polls, and they didn't want to be stuck with a loser; the dump-Johnson liberals, also with an eye on the polls, don't want to be stuck with a winner.

"LBJ is not Harry Truman." In many ways, the two men are as different as John F. Kennedy and William Howard Taft. Johnson is a consummate politician; Truman was only a persevering one. Truman was as artless as Johnson is artful. Truman was generally candid, and Johnson seems a compulsive dissembler. One could go on. Truman's foreign policy was widely admired and more often than not was successful, but in domestic policy he never got anywhere; Johnson has done quite well with domestic policy, but his foreign policy may lead us all to disaster. Still, Johnson in late 1967 has more in common with Truman in 1948 than the hostility of some of the same liberals. Both were once Democratic senators and Vice-Presidents. Each took office upon the death of a beloved predecessor. Johnson, like Truman, has never been a child of the Establishment. From the Eastern liberals' point of view, both came from the wrong, or South, side of the tracks. Both had meager, or at least unfashionable, schooling.

Both have rather coarse manners and offend by indelicacy of speech. Liberals, I have no doubt, consider themselves large-minded people, concerned with principles, not personalities. Some are large-minded, others not. If Kennedy had lived, he might at some point have called a halt to the escalation he began. He might even have found a way to get us out of Vietnam altogether. If he had lived and, as seems to me entirely possible, found no better solution than Johnson's, then, of course, he would have faced today much the kind of opposition that Johnson faces. But I cannot help believing that it would have been somewhat less widespread and more restrained against a Commander-in-Chief who was a Harvard man with uncommon wit, intellectual poise, a passion for excellence, and gallantry of manner.

Kennedy just might have managed to run a slightly more tasteful and elegant war. But the relevant thing is that Johnson is, as Truman was, a liberal Democratic President of the United States in serious trouble on almost every front. Though Truman failed where Johnson has more or less succeeded, and vice versa, their policies are very similar, causing them to make the same enemies. Truman astonished everyone—including, I have always believed, himself—by winning in 1948, and the liberals, some of whom now seem to have forgotten that they ever opposed him, were gratified at being spared a Dewey Administration. A year and a half later, we were at war in Korea. There was some opposition to our intervention, but most of it came from isolationists, like Joseph P. Kennedy and Herbert Hoover. Little of it came from the liberals. Wayne Morse, J. William Fulbright, Arthur Schlesinger, Jr., and J. Kenneth Galbraith all had the public ear in those days, but none of these men were critical of our involvement—and neither, it may be well to say, was I, who now share with them a disapproval of our Vietnam policy.

They were in varying degrees enthusiastic in their support of the Korean war, even when General MacArthur, with the full backing of his American superiors and with a special mandate from the United Nations General Assembly, escalated the war by invading North Korea—a step that is held by most historians to have brought the Chinese into the war. (It was believed by some at the time that the real cause of the Chinese belligerence in Korea was our support of Chiang Kai-shek on Formosa. Before our armies went north, there had been quite explicit—though, of course, ignored—announcements of a Chinese intention of intervening.) There was, to be sure, severe criticism, largely led by liberals, of MacArthur's subsequent politicking for further escalation, but that came after, not before, Administration policy had led to a greatly widened war. MacArthur's original move north—surely analogous to an invasion of North Vietnam today—was regarded as an altogether legitimate pursuit of altogether legitimate war aims.

"Vietnam is not Korea." They are two thousand miles apart and considerably different in climate, terrain, and demography. Both, however, are relatively small and underdeveloped Asian countries partitioned into a Communist North and a non-Communist South by international agreements in the making of which they had no voice. Both abut China, both are peninsular, and both have long histories of colonial occupation and oppression. Each has been the site of large-scale warfare, with the United States in each case intervening to assist the anti-Communist government of the Southern region, and with China assisting—on a very large scale in Korea and on what is still a small scale in Vietnam—the Communist regime in the North.

There are other parallels and, of course, many divergencies. Of the latter, all but one—the very different relationships of Korea in 1950 and Vietnam today to Soviet and Chinese power—seem to me to bear only tangentially on the soundness of our present policy and the consistency of liberal thinking. In any consideration of these matters, we must, I think, begin with the incontrovertible fact that the two countries are on the same continent. In both cases, United States policy toward Asia has been at issue.

This has been the key to the thinking of one American liberal, Walter Lippmann, who would have no difficulty in finding in the public record proof positive of his own consistency. Long before we became involved in the Korean war, Lippmann was arguing that this country had no business whatever deploying its troops on the mainland of Asia. At the time of Korea, he said that we should be involved, if at all, only as a sea and air power, and he has been saying the same thing about Vietnam for several years. In this, he is only invoking an established (though perhaps today disestablished) American doctrine, and, as a matter of fact, that doctrine was briefly in force even after President Truman and his advisers had committed us to the defense of South Korea on June 25, 1950.

Though it tends to be forgotten now, those who—in Blair House, on that important date—agreed that we ought to intervene had in mind giving the South Koreans only such support as our Navy and Air Force could supply. And for three days that was all we gave. It was not until President Truman was personally assured that General MacArthur, who had been up to then a leading member of the Lippmann school (he had once said that

anyone who advocated the use of our ground forces in Asia "ought to have his head examined"), had changed his mind that he assented to the historic shift in policy.

In Vietnam we have again tested the wisdom of the doctrine abandoned seventeen years ago, and to some its continuing essential soundness has again been demonstrated. But a much larger question is whether we have any business entering any Asian wars with any kind of American power. It is difficult to see how anyone could maintain that it was morally right to enter the one Asian war in 1950 and is morally wrong to be in the other one today. A more valid argument can be offered on the ground that what makes the one intervention defensible and the other indefensible is that in the interval between the two wars what we once called "international Communism" has been shown to be nonexistent. What in 1950 appeared to be "monolithic" is now revealed as "polycentric." This is an enormously important and highly relevant development, but it does not really alter the basic question of what our role in Asia should be. Even if no Communist powers had been involved in either case, or if the ally of one Northern regime had been Communist and the ally of the other had been anti-Communist, it would still be necessary to decide how much responsibility this country should assume for a balance of power in Asia.

Do we, as a people, have any morally or politically legitimate concern with the political order in Asia? If we say no—or say perhaps, but not to the point of using force—then we simply have to ask ourselves what on earth we were doing in Korea seventeen years ago, and even what we were fighting the Japanese about twenty-five years ago. (It will not do to say that they attacked us at Pearl Harbor. That would not have happened if our foreign policy had not seemed a threat to theirs.) For, beyond all the talk about Fascism and imperialism and Communism and democracy and self-determination, the basic reality is that, for bad reasons or good, the United States has increasingly, through most of this century, been throwing its weight around in Asia to create or maintain a political order that several American governments have decided is best for the United States and possibly best for Asia. I happen to think we would all be far better off if this decision had never been taken by anyone, but it was taken—and not by Lyndon Johnson in late 1963 or early 1964.

The balance of power—that is what our three Asian wars have been about, and we might as well state the rest of this proposition, which is that this is what all foreign policy is and almost always has been about. If we ask ourselves why we shouldn't leave the balance of power in Asia to the Asians, we might as well reopen the question of whether we have, or ever had, any business messing about with the balance of power in Europe or anywhere else in the world or the cosmos. I can think of several quite compelling arguments for having different European and Asian policies, but I cannot see how the war in Vietnam can be regarded as some new and lamentable departure from established policy. Rather, it appears to me an application of established policy that has miscarried so dreadfully that we must begin examining not just the case at hand but the whole works. If this is where our foreign policy lands us, then we had better settle among ourselves whether the policy is, or ever was, any good, and even whether we ought to have any foreign policy at all.

For most liberals, the real clincher is that, as they see it now, in Korea we opposed an act of clear and premeditated aggression carried out by an army crossing an international boundary and seeking to annex by force the territory on the other side, whereas in Vietnam we are interfering in what is essentially a civil war, with the forces we oppose consisting of indigenous rebels. There is something in this, but, in my view, very little, and nothing, certainly, to destroy the strength of the analogy. In Korea, it was plainly a matter of troops from the North marching into the South.

The people in the Southern war zones seemed to feel very little sympathy for the invaders, whereas in Vietnam the Vietcong guerrillas and, possibly to a lesser extent, the regulars from the North have a good deal of support. But this hardly demonstrates that one is a civil war and the other was not. Koreans fought Koreans in Korea, as Vietnamese are fighting Vietnamese in Vietnam. In each case, the issue was control of the Southern territory and unification of the country. In each case, the contested area has been part of the homeland of people with a more or less common history. Indeed, one can argue that the partition of Vietnam into Northern and Southern regions has greater historical justification than the similar partition of Korea.

Many historians maintain that the cultural and political differences between North and South in Vietnam are large and ancient ones, difficult to resolve under one government. "By 1920," according to John T. McAlister, Jr., a Princeton authority on Southeast Asia, writing in *World Politics* for January, 1967, "the system had succumbed to regional pressures, and Vietnam had become divided into two warring states, literally separated by a wall built across the width of the country at the eighteenth parallel near the town of Dong Hoi, north of Hué." This seventeenth-century anti-infiltration barrier, McAlister goes on, was "constructed by the leaders of the southern faction, the Nguyen family, [and] rose to a height of eighteen feet. . . . [In] 1672 it proved strong enough to withstand a major military test by the northern faction under the generalship of the Trinh family."

Korea had known partitions since 108 B.C. Nevertheless, Edwin O. Reischauer writes that it "is a more homogeneous national unit than are most of the countries of South Asia." As for the "boundary" at the Thirty-eighth Parallel in Korea, though it had been proposed as a line of demarcation between Russia and Japanese spheres of influence following the war in 1905, the State Department used to describe it as a "fortuitous line resulting from the exigencies of war." Secretary of State James Byrnes had in 1947 called it "a military convenience." In any event, Americans should be the last people to say that a civil war is not a civil war when it is primarily regional in character or can more or less accurately be described as a War Between the States.

In his forthcoming "Memoirs: 1925–1950," George F. Kennan, who was director of the State Department's Policy Planning Staff until late in 1949, writes of Korea, "This was, finally, a civil conflict, not an international one; and the term 'aggression' in the usual international sense was as misplaced here as it was to be later in the case of Vietnam." Kennan nevertheless approved our intervention—indeed, thought it an inescapable duty. Until the end of the war, Korea had been a Japanese colony. We accepted the Japanese surrender in the Southern zone. But in 1950, he says, "There was as yet no peace treaty with Japan to define [Korea's] future status. We had accepted the responsibilities of military occupation in South Korea, and the fact that we had withdrawn our own combat forces did not mean, in the continued absence of a Japanese peace treaty, that these responsibilities were terminated.

"We had a perfect right to intervene, on the basis of our position as occupying power to assure the preservation of order in this territory." Here is a distinction between the two wars that is also an important difference. Kennan—who, incidentally, opposed the bombing of North Korea, as today he opposes the bombing of North Vietnam—felt that we should have gone ahead in Korea without bringing in the United Nations, whose involvement, as he saw it, itself became a cause of heightened tensions. Most of today's older doves, however, maintain that the backing of the U.N. gave the earlier war the legitimacy that the present one lacks.

Few things about the situation in which we now find ourselves should give us more concern than the fact that today we clearly do not enjoy the good opinion of much of mankind. But if the truth is to be told, we didn't enjoy it in the early fifties, either. The U.N. support was largely illusory and came about through dumb luck. The Russians had absentmindedly—and providentially, from our point of view—boycotted the U.N. Security Council, and were thus unable to veto the resolution of support. Had there been a Russian veto, the United States would have gone ahead without U.N. support. We were already in the war. Furthermore, the Security Council resolution was something less than an unequivocal call to arms. It called for a cease-fire and asked U.N. members to "render every assistance" in bringing one to pass. In a book on the war published in 1951 (originally issued as "The General and the President" and reissued in 1965 as "The MacArthur Controversy"), Arthur Schlesinger, Jr., and I wrote, "By putting the broadest possible construction on this, the President was able to say that his decision was in furtherance of United Nations policy.

"This claim gave rise to a wrangle that still goes on in law schools." Though Dean Rusk is no doubt right in saying that "the proportion of non-United States forces in South Vietnam is greater than [that of] non-United States forces in Korea," we did have a good deal more approval in 1950 than we have in 1967. But most of it came in the form of talk. Even those nations, like England, that gave us some military assistance were scared stiff that we might lead them into a world war, and kept beseeching us to get out of Korea on the best terms we could—which, in the end, was what we did. The Communist nations and the radical parties everywhere accused us, as they do today, of conducting an imperialist crusade. If the war in Vietnam is in some sense "imperialist," as so many Americans have come to believe, so was the war in Korea.

In any event, the ultimate soundness of a policy is not to be determined by who supports it and who does not. This is particularly the case when, as in the U.N., the count is of nation states. The fact that a majority of General Assembly members has regularly opposed the admission of mainland China does not lend any moral or political force to the wisdom of mainland China's exclusion. The fact that the Organization of American States voted overwhelming support, *ex post facto*, of the American intervention in the Dominican Republic in 1965 has never been regarded as an acceptable sanction for the dispatch of troops.

In Korea, as in Vietnam, our intervention was undertaken on the President's initiative. War was never declared by Congress. Truman lacked even as questionable a mandate as the one that Congress gave Johnson in the 1964 Gulf of Tonkin Resolution. Dean Rusk can lecture congressmen today about our obligations under the SEATO treaty, but the treaty had not even been thought of in Dean Acheson's day. Yet I pick up an anti-war manifesto signed by many people who to my certain knowledge favored the Korean intervention and find them saying that because "Congress has not declared a war, as required by the Constitution," the war in Vietnam is "un-Constitutional and illegal." For my part, I would be happy if the Supreme Court ruled the war un-Constitutional next Monday morning. But I cannot imagine a theory of the war or of the Constitution that would hold our presence in Vietnam to be in vio-

lation of our fundamental law and would not require the same judgment on our earlier presence in Korea. Nor can I see that it would make much difference if Congress did declare the existence of a state of war or if the Supreme Court certified the carnage as Constitutional.

Can any legislature turn an unjust cause into a just one by an observance of due process? Slavery was "Constitutional" until it was smashed in a war of dubious Constitutionality. The signers of this anti-war manifesto were brought together by, they say, a common desire to assist young men in avoiding conscription. A worthy purpose it may well be, but the draft is legal; the Selective Service Act has been in force for twenty-seven years, and the Supreme Court has yet to strike it down. Such sticklers for law might consider turning themselves in for sedition and conspiracy.

I find the names of some of them also attached to an appeal calling upon other citizens to join them and Henry David Thoreau—part of whose "Civil Disobedience" is used as the manifesto for this particular group—in withholding from the Internal Revenue Service that part of their taxes which, by their calculations, "is being used to finance the war." The income-tax laws are at least as legal and Constitutional as Selective Service. Thoreau didn't want to help pay for the Mexican War, which may have been, as he passionately believed it was, immoral, but it was certainly not illegal or un-Constitutional. Anyway, a "legal" war is a legal fiction.

The rhetoric of politics is always opportunistic. But war, which debases all discourse, makes it worse. The opportunism of the doves is no more to be censured than that of anyone else. If I could stop the war by talking, I would not mind talking nonsense or telling a few lies. I have brought up the whole question of the Korea-Vietnam analogy because I think it is important for all of us to see that there have been some profound changes in *us* as well as in the world in the last two decades. To begin with, I think, the mere passage of time has had its effect. In 1950, with a great war only five years behind us, we had, as a people, the zeal and energy of crusaders. There was then little dissent—and, compared with today, little cause for dissent—from the proposition that militarized Communism threatened the peace and stability of the world and that it was up to us, newly emerged as a superpower, to turn back its sorties with whatever force was called for. We did so, and I have no doubt that if the circumstances that had obtained in the late forties or early fifties were to obtain at present in Vietnam, most of today's doves would support our role in Vietnam with at least as much vigor as they supported our role in Korea. But the *New Republic* is in a way profoundly right in insisting that things aren't the same. Much has happened in the Communist world that requires us to rethink our positions, but even if this were not so we could not look upon Vietnam today as we once looked upon Korea. Our crusading zeal has ebbed; affluence, much of it spent on education, has been accompanied by a heightened sophistication about the world and its affairs, a spreading skepticism and disenchantment, and, in the middle class, a new and rather strange hedonism that particularly and peculiarly affects the young.

We are not, I think, a more attractive people than we were—rather, the contrary—but we are in many ways less self-righteous. Both the best and the worst spirits among us are turning inward more than they were before, given more to seeking individual grace and salvation—the consequneces being, on the one hand, an admirable willingness to work and sacrifice on behalf of the disadvantaged and, on the other hand, a less admirable self-indulgence that increases the demand for everything from drugs to yachts and sports cars, from unrestricted sexual license to the right to behave as obnoxiously and irresponsibly as one's underdeveloped conscience may dictate. The difference between the two periods was well stated by Richard F. Babcock, a Chicago attorney, in a letter written early last year to an influential newspaper columnist. After describing what seemed to him the parallels between Korea and Vietnam, he wrote:

There is, then, little difference, morally, strategically, or politically, between Korea in 1950 and Vietnam in 1966. Yet the first was and still is regarded as a demonstration of American moral stamina at its best, the latter as a moral and strategic aberration.

The difference, I suspect, is that we are at 1966 and not 1950. There is, for example, a temporal relation between the domestic civil-rights struggle and Vietnam. The student who protests both racial discrimination and Vietnam is not irresponsible in his motivations—he is consistent. We are in an era of incredible affluence and, consequently, of sensitive national conscience in matters not only domestic but foreign. We are a generation away from World War II. Korea had no Watts. Korea was, however, only five years from Nuremberg and at the doorstep of McCarthy.

This historical setting, it seems to me, is the key. And if so, it suggests that responsible critics do a disservice to the country when they fail to point out that Vietnam suffers not from a failure to come up to a moral or strategic imperative but that it takes place at a time when America is in a period of self-appraisal absent in 1950."

It is often said that the prevalence of television has done much to change us, particularly in our ways of responding to such phenomena as war, racial injustice, and violence, and to the personalities of public men. It would be surprising if this were not to some extent so. The war in Vietnam is close to the center of the national consciousness because of the ease with which we can "follow" it—"live," or almost. Because of television, it is impossible to be unaware of, and hence indifferent to, the war, as the people of the European colonial powers in the eighteenth and nineteenth centuries were largely unaware of the prolonged and costly campaigns—many of them much like the war in Vietnam—being carried on by their armies and navies in distant parts of the world.

I also think it likely that, as some people believe, the daily cocktail-time spectacle of death and atrocity (I sat down to dinner a few evenings ago just as C.B.S. was showing some American troops cutting the ears off Vietcong corpses as souvenirs of the combat) has contributed to the spreading revulsion and to anti-war sentiment. To argue this case, however, it would seem necessary to explain how it happens that a people with an enormous appetite for violence on television, in movies, and in highbrow as much as in low- and middlebrow literature may be repelled by a few minutes a day of the real thing, which is very often less sickening than the simulated variety.

This would be no problem for Norman Mailer or H. Rap Brown, each of whom tells us that we are and always have been a violent people and that the televised war in Vietnam satisfies our lust for violence and serves as a graduate school in murder for our young men. I reject this view. Despite our lynchings, gang wars, race riots, and casual military undertakings, I do not think our people are particularly given to violence. They are human beings and have their share of human weaknesses, of which a lust for violence has always been one. If violence is as American as apple pie, it is also as French as *quiche Lorraine*. There have been as many attempts on the life of Charles de Gaulle as on the lives of all the American Presidents put together. It may be that our assassins are better shots or that the French Sûreté is smarter than our Secret Service. In any case, I have been in many parts of the world where violence, organized and unorganized, is far more easily provoked than as a rule it is here, and far more a part of everyday existence.

I do not know why our popular culture is so hung up on violence and sadism. I think it may have less to do with the need for violence than with the third-rateness of the culture and with the kind of talent that turns out all this awful stuff. That is to say, a partial explanation may be that violence, like sentimentality, lends itself to easy exploitation. A stupid or lazy dramatist can save himself a lot of hard work by writing scenes in which the action consists of people maiming one another. An exchange of gunfire can be more easily and convincingly dramatized than a clash of human wills. And, of course, people go for it—but not just Americans.

Ours is a culture largely manufactured for export, and the very worst of it is a smash hit all over the world. But just as the carnality of our popular culture does not prove that we are more libidinous than others, its emphasis on violence does not prove that we are more brutish than others. Furthermore, there is to be observed an almost complete disjuncture between the violence of Vietnam and the violence of our cinematic and electronic fantasies. Although war movies like "The Dirty Dozen" are big at the box office, the most topical of wars, Vietnam, has yet to be the subject of a motion picture. This, we are told, on excellent authority, is not because the producers are reluctant to exploit it.

The subject has been deliberately avoided, it seems, for reasons rather like those behind the avoidance—at least, until recently—of the subjects of sodomy and miscegenation. It would offend the audience, or a good part of it, and in acknowledgment of this fact—presumably established by the usual surveys of the market—the major producers have agreed among themselves to lay off. Even as heady a matching of star and subject as John Wayne and the Army Special Forces has had difficulty attracting the capital needed for a picture to be called "The Green Berets." If, à la Norman Mailer, President Johnson is only John Wayne in the White House, he may be more vulnerable than we know.

As a nation among nations, as a force in the world, we may be behaving more chauvenistically today than we have ever behaved in the past. This almost has to be true, because our power is so immense that any ugly display of it makes an impression commensurate with its magnitude. But among us, as a people, chauvinism and jingoism have been declining steadily since the First World War. Although Hitler's Germany was more detestable than Kaiser Wilhelm's, there was less Hun-hating in the Second World War than in the First. What was "liberty cabbage" in 1918 was sauerkraut in 1945.

There was not much flag-waving in the Second World War, and still less in the Korean war. But now we seem to have made a really radical break with the past. This is the first war of the century of which it is true that opposition to it is not only widespread but fashionable. It is the first in connection with which it seems in downright bad taste to invoke patriotism; while the Korean war was still in progress, theatres were showing such movies about it as "A Yank in Korea," "Korea Patrol," "Glory Brigade," "Battle Circus," and "Mission Over Korea." In the two wars before this one, there was a conspicuous shortage of martial airs; and now, for the first time, popular songs of bitter protest, such as Joan Baez's "Saigon Bride" and Pete Seeger's "Waist Deep in the Big Muddy," are part of the popular culture.

If we could gauge a nation's penchant for violence by its official rhetoric and its popular culture, China would stand first in both categories. In the rhetoric department, we would rank far down the list and in popular

culture perhaps second or third, though it is not to be forgotten that many others consume our product exactly as we do. Some Chinese are behaving very strangely these days, but I do not for a moment believe they are an abnormally violent people, and I am not so sure their leaders are more violent than ours. They just talk rougher and beat more people up. The medium is not the message. The message I get from my eyes and ears is that, because of this war and certain attendant miseries, kookiness of every sort is alarmingly on the rise. At the same time, if it's a sign of one's sanity to be against the war, and a sign of relative sanity to prefer a limited war to the world's last great shoot-out, we are in better shape than many of us know.

Consider the extraordinary extent of the opposition to this war—over forty per cent of the American people now, with the number increasing each month—and, perhaps equally notable, the distaste for it among those who do not oppose it. Nothing like this has been known in this century. Ordinarily, in this and most other modern states, opposition to war evaporates once the decision to wage it has been taken, once the killing has begun. When the bugles sound and the colors are unfurled, almost everyone becomes a patriot of the Stephen Decatur, or my-country-right-or-wrong, persuasion. Such patriots seem very scarce today, and they speak softly, if at all. In the Senate there are a handful of screaming eagles, but mostly there are old-school politicians—like Senator Russell, of Georgia—who explain in patient, weary voices that we have to get on with the war because, regardless of the merits of the enterprise, we are in it and have committed our troops and our honor to it. Here is a terse description of the extraordinary state of affairs in the United States Senate today—a summary, by C.B.S., of a mid-October survey it conducted:

"On Vietnam, the U.S. Senate is advising more and consenting less. In the C.B.S. News survey, nearly half the senators responding said they disapproved the conduct of the war. Open support for the Gulf of Tonkin Resolution dropped dramatically. Eighteen senators wanted the bombing of North Vietnam completely stopped.

"We talked with 95 senators. Eight of them refused to participate, 87 responding to the questions on the conduct of the war. Three years ago, President Johnson took a survey of his own. It was called the Gulf of Tonkin Resolution, supporting his authority to do anything necessary in Southeast Asia. Eighty-eight approved then, two did not. Today, only 34 are prepared to publicly support a Tonkin Resolution without reservation or change. Fifteen refused to comment, and where two voted against it in 1964, 20 would now vote no.

"On Vietnam today, 42 senators disapprove the Administration's conduct of the war. Thirty-two approve. Eleven would not commit themselves, including the Senate's Minority Leader, Everett Dirksen. His "no comment" follows strong defense of the President on the floor. Disapproval takes two directions. Fifteen are dissatisfied because they want more military action to end the war. Twenty-seven want less, in the form of bombing pauses or de-escalations.

"Most senators feel their constituents think as they do, 46 reporting the folks at home disapprove the handling of the war, 22 reporting constituent approval. They notice a recent change in their public's opinion, too. Thirty-three of the senators say their people have shifted, and 28 of them say it is in the direction of wanting less military action.

"On bombing policy, the Senate goes in all directions. Eighteen want bombing of the North completely stopped. Twenty-one say it should be increased, to include more lucrative targets. Twenty-four go along with whatever the President or the military want to do, and 12 suggest less bombing or a pause.

"The sleeper question of the survey turned out to be the last one, asking if the senators favored direct negotiations with the Vietcong. There was more agreement on this than anything else. Forty-six senators said yes. Sixteen said no to direct talks with the guerrilla front. One of them wanted a military victory so complete as to have no Vietcong left to negotiate with.

"Many answers to the C.B.S. News survey were qualified, justifying the opinion of several senators that polls never really satisfy with a full measurement of attitudes, but three things do emerge: a crumbling of the solid front support given three years ago with the Gulf of Tonkin Resolution, an infectious restlessness in the Senate and among its constituents with the progress of the war, and a growing impatience with a long twilight struggle where victories do not decide, and the end cannot be seen."

Whether or not they mean it, the leaders of the Administration miss no opportunity to wring their hands and insist that it is peace, and not victory, they seek, and that they are ready at any time to sit down with anyone anywhere, and so on. ("I would depart today for any mutually convenient spot," Rusk said, "if I could meet a representative of North Vietnam with whom I could discuss peace in Southeast Asia.") *Do* they mean it? Who knows? If they don't mean it, why are they saying it? If they didn't talk so much, the credibility gap might narrow. But they go on. Week after week, the Secretary of Defense, the master of the greatest war machine in history, seems to be trying to signal to us, his countrymen, that the damned thing isn't working, that the bombing is pointless, that it should be stopped. Does he speak for the President? Evidently not, but he still has the job. As for the President, speaking of mankind's behavior in this century, he said earlier this month, in Williamsburg, Virginia, "We can take no pride in the fact that we have fought each other like animals." He added that it "is really an insult to the animals, who live together in more harmony than human beings seem to be able to do." After some generalizations on other failures of statesmanship, he said, "Shame on the world and shame on its leaders." Those who support the war, like those who oppose it, appeal not to the patriotic heart but to the bleeding one. This is without precedent.

Consider, also, the attitudes toward civilian deaths, and casualties, and the general human suffering brought by the war to the Vietnamese, North and South. These, too, are without known precedent. Whether this war is like or unlike any earlier one, it resembles all modern wars in that noncombatants are killed, the innocent suffer greatly, and there is much cruel and needless destruction. In Korea, we bombed and shelled villages, killed countless women and children. No senate committees pestered the generals to learn how many civilians had been killed or what steps were being taken to avoid the slaughter of the innocents. *C'est la guerre.* We killed a great many civilians in the Second World War. If they were Germans or Japanese, it served them right. (Hiroshima produced some immediate revulsion, but it was the newness and hideousness of the weapon employed that affected us, who had been little moved by wider killing with mere TNT.) If they were Italians or Frenchmen, we thought of their deaths as gallant sacrifices they made happily for the liberation of their soil. To be sure, civilized people have always felt that noncombatants should be spared to the greatest extent consistent with military needs, but until now there was no doubt in anyone's mind that the military needs—provided, of course, they were our own—should be the first consideration. Any sense of outrage over atrocities and dead civilians was directed at the enemy. Now, for the first time, the conscience of a large part of the nation has been aroused by agonies for which our own forces are responsible.

All wars are brutalizing, and perhaps in the random violence of the past few years (not merely the riots—not even so much the riots as the murders and assassinations) we are paying part of the price for sanctioned murder in the name of anti-Communism, self-determination, and democracy. But what seems already clear—from the size of the anti-war movements, from the muting of the eagles, from the outrage over atrocities and civilian losses—is that there is building up in this country a powerful sentiment not simply against the war in Vietnam but against war itself, not simply against bombing in Vietnam but against bombing anywhere at any time for any reason, not simply against the slaughter of innocents in an unjust conflict but also against the slaughter of those who may be far from innocent in a just conflict. The youthful protesters would probably acknowledge this without hesitation, only asking themselves why anyone should labor the point so heavily. (Some would no doubt go further, and say that they oppose not only the wars this government runs but everything else it does.) Their elders, thinking of a past they find it necessary to be true to, cannot turn pacifist overnight. They must distinguish between this war and the wars they have supported in the past—up to and including the war in the Middle East a few months ago. But in fact our present war is different mainly in that it seems endless and hopeless.

Is it possible for us to come through this experience, if we come through at all, as a pacifist nation? I suppose not. "Pacifist nation" seems a contradiction in terms. If all of us, or most of us, were pacifists, we would have little reason to be a nation. Defense is the fundamental raison d'être for the modern state. And if a pacifist nation didn't come apart at the seams, some non-pacifist nation would tear it apart. It seems to me, though, that if the war goes on and if opposition to it continues to increase at the present rate, there will in time be a testing of this whole proposition. No government that is not totalitarian can go on indefinitely fighting a hard war that its people hate. Something has to give. Either the government yields to the popular will or it becomes oppressive and stifles the protest by terror. Thus far, there is no sign that our government has faced the question. With very few exceptions, as far as the anti-war movement is concerned, police power has been used sparingly and in the interests of domestic tranquillity.

Few other governments, even when they were not at war, would be as restrained as this one has been in dealing with protest movements, including violent ones. It seems to me that this is in part because we are waging the Vietnam war with an essentially professional military force. Its morale is said to be high and not to be much affected by what is going on here. This state of affairs cannot last indefinitely. Morale will be affected, and then the test will be made. I cannot figure the odds on the outcome. On the one hand, repression is the safest, surest, cheapest course for any government to take. I can imagine the coming to power of an American de Gaulle, or even of someone a lot more authoritarian than de Gaulle.

Much of the troublemaking in the months and years ahead will be the work of Negroes, and I can even imagine the imposition of a kind of American apartheid—at least in the North, where Negroes live in ghettos that are easily sealed off. If there should be the will to do it, it could be done quite "legally" and "Constitutionally." There are enough smart lawyers around to figure out how. On the other hand, there is unprecedented opposition to the war inside the odious "power

structure" itself. There is much opposition in Congress and in every department in the federal government.

The governors of large states and the mayors of great cities—among them the Mayor of New York—are opposed to the war. The Supreme Court, which was such a bastion of liberty in the McCarthy years, would make things as hard as possible for all the smart lawyers. The government could, of course, ignore, or even abolish, the Supreme Court. But the Court is not the only American institution that has proved quite resilient in periods of stress. The churches, the press, the universities—all are centers of dissent. It could prove to be crucial that the American middle class—as despicable as the Establishment in the minds of the young and alienated—is also a center of dissent.

The proletariat may not be willing to call off strikes or accept pay cuts because of the war, but it offers little support to the protest movements. If we are now undertaking, or are about to undertake, a radical alteration in values, support for it will come not from the workers but from an unproclaimed, and even unwanted, alliance beween relatively affluent whites, of whom I happen to be one, and what Daniel P. Moynihan calls the "underclass," consisting mainly of unemployed Negroes, many of whom want to kill me.

I want American democracy to survive. It is in many ways a fraud. It is not keeping its promises to the American Negroes. It has abused them and many other people. It has very little aesthetic or intellectual appeal. But under it there is at least a hope of redemption. Things do get done here that don't get done under other systems. But it now seems clear to me that if American democracy does survive it will be something quite different from what we have known. I find it hard at this stage to see how a victory for democracy will not also be a victory for pacifism. Those who will lead the struggle are, whether they acknowledge it or not, renouncing war as an instrument of policy. They may insist that of course they would fight the enemy at the gates, or perhaps take arms against a new Hitler if one should arise. But the wars of the future—at least, those that would have any ideological content—are not going to be like the wars of the past.

India and Pakistan or India and China may fight over bits and pieces of territory, but the Soviet Union and the United States are agreed on the need for common efforts to cool it when such disputes get hot. Most future wars are apt to be like the war in Vietnam—wars that will be called by their instigators "wars of national liberation." The Soviet Union, as Nikita Khrushchev long ago informed us, will support them. From its point of view, they are irresistible. They cost next to nothing and drive us Americans out of our minds. But if we survive as anything like a free society, we will not be entering them. I simply cannot imagine this country, under any President chosen in a free election, taking on another Vietnam. If this is so, it may be good news. But it means that we won't have much in the way of a foreign policy. We will draw back from all difficult situations. We will leave the field to those who have not renounced war.

I hold a kind of Tolstoyan view of history, and believe that it is hardly ever possible to determine the real truth about how and why we got from here to there. Since, I find it extremely difficult to uncover my own motives, I hesitate to deal with those of other people, and I positively despair at the thought of ever being really sure about what has moved whole nations and whole generations of mankind. No explanation of the causes and origins of any war—of any large happening in history—can ever be for me much more than a plausible one, a reasonable hypothesis. But if we cannot answer the "how" and "why" questions with anything like certitude, we can answer a good many of the "what" ones, and this sometimes enables us to eliminate at least some of the suggested "how"s and "why"s. In regard to Vietnam, I feel confident in isolating certain non-causes and non-origins. We did not go into Vietnam spoiling for a war.

It was not the American attitude at the Geneva Conference in 1954 that made what everyone now speaks of as the "Geneva agreements" unworkable. A far more likely thesis is that they proved unworkable because the Russians gave the French (and the South Vietnamese) better terms than they needed to, in the expectation that the French would on this account decide not to enter the proposed European Defense Community. However that may be, those so-called agreements were not a diplomatic settlement of any kind but simply a document setting forth the terms of a cease-fire. To quote John McAlister again:

"There were only three documents signed at Geneva, and only four signatories were involved: France, the royal governments of Laos and Cambodia, and the Vietminh. [The Vietminh was an army, not a government. What we think of as the South Vietnamese, or anti-Communist Vietnamese, were never consulted.] These agreements were not treaties and they were not formally ratified by any government by any process. They were simply agreements between the opposing military commands to stop the fighting in Indo-China and to take measures to prevent the fighting from being resumed. Some confusion has resulted because the 'Final Declaration of the Geneva Conference,' which 'noted' the key provisions of the various cease-fire agreements, seemed to emanate from all nine conference participants. However, this 'Final Declaration' was not signed by any of the participants. It was yet another cold-war device to mask the lack of consensus among the major powers—an 'unsigned treaty.'"

We have sinned greatly and frequently since 1954, but not always in the ways that we think we have. We did not go into Vietnam hoping for a war; after all, we had just passed up a splendid opportunity to join the fighting with our then friends the French at our side. But we were not taken altogether by surprise at discovering that nothing really had been settled by Geneva. Two-fifths of our aid in the early days was military, but something beyond this figure persuades me that we were after something a bit more decent that the opening of a new firing range. The non-Communist state that came into being as a consequence of the Geneva Conference looked to our foreign-aid people as if it might actually work, as if it might turn out to be a nice, prosperous, well-behaved little democracy. In the bright light of hindsight, this seems a ridiculous dream. And what may have been ridiculous about it was not that people like the Emperor Bao Dai and Ngo Dinh Diem would never let it happen but, rather, that Ho Chi Minh would never let it happen. We are always being told what awful people we have supported in Saigon while all along there has existed the alternative of supporting the Vietnamese Thomas Jefferson, Ho Chi Minh, and having him on our side.

Ho sounds a lot more attractive than most of the types we have lately been dealing with, and it might have been very smart of us back before 1950, say, to try to strike up some sort of deal with him. And Ho could not have been much interested in us in the early fifties (and anyway think of what McCarthy would have said), and Diem then did not have, or was concealing, his cloven hoof. Diem never seemed a Thomas Jefferson, or even a Lyndon Johnson, but he looked no worse than our man in Korea, Syngman Rhee. And one can at least advance the hypothesis that our troubles have grown not out of Diem's "failure" and ours to create a good society in South Vietnam but out of a certain amount of early success, or, if not that, out of Ho's fear that we might somehow succeed someday. It could also be that he was not unmindful of the possibilities for looting. The Americans had put a good many desirable things—including a lot of expensive and well-made weaponry—in South Vietnam, and if he could knock over the government without too much difficulty they would all be his.

Senator Fulbright has been saying for years that foreign aid is dangerous, because it can lead to war. I think he is right. We invest money and, more important, hope in a country, and when some thugs threaten to wreck the country and dash its hopes and ours we are tempted to police the place. Some of the most promising governments in Africa are likely to go to pieces because the leaders of less hopeful neighboring states either can't stand the thought that the people across the way are going to make it or feel that neighbors ought to share and share alike. In the late fifties and early sixties, many Americans who had no appetite for war and no thought that there would be one urged that we give Saigon enough military assistance to put down the Vietcong and enable the government at least to stand on its feet and have enough time and energy to make something of itself. They should have known better. But there was no reason then to think of the difficulties with the Vietcong as having much to do with the balance of power in Asia.

Indeed—and here, perhaps, is another important difference between this war and Korea—it seems to have been our intervention on a large scale that gave the war a real balance-of-power meaning. In the early sixties, when Laos was a more troublesome place than Vietnam, the Russians were looking the other way. In that period, too, the "domino theory" was generally discredited.

There may then have been a chance for a President to reappraise—agonizingly, of course—the whole affair and order a phase-out Vietnam was still an obscure place, and with us no longer involved it would have been still more obscure. I speak of a time when Kennedy was alive. He could probably have de-escalated, but instead he escalated. If he had lived, and if he had beaten Goldwater or some other Republican in 1964, he might have altered his strategy at some later point. But he died, and Johnson pursued his policy with a vengeance, thereby, in my view, giving the domino theory a strang validity it had earlier lacked: The dominoes might fall in a certain way because we set them up that way. If we had got out of Vietnam five years ago, the balance of power in Asia might have been affected only insignificantly and imperceptibly. If we got out tomorrow, the consequences might be very serious indeed. We have painted ourselves in.

Until early in 1965, I felt that our role in Vietnam was defensible. The rulers of the country seemed an untrustworthy lot, but that did not appear a good reason for turning the place over to the Vietcong. Knowing that a developing nation cannot possibly manage war and reform at the same time without assistance, I felt that our assistance in putting down an insurgency was helpful. The fact that the insurgents were natives did not bother me; so were their antagonists, and I have never believed that civil wars are somehow more virtuous and rational than wars of any other kind.

From my point of view, the operations of the Vietcong were, and still are, every bit as irrational as I now believe ours are. They don't seem to mind destroying their country any more than we do. I can understand why some Americans should be indifferent to the fate of Vietnam—to a certain degree, and to my own dismay, I am coming to feel that way myself—but I cannot understand why any Vietnamese should be indifferent to it.

I wish Johnson would swallow his pride, whatever the consequences, but it seems to me it is positively idiotic for Ho Chi Minh not to take Johnson and Rusk at their word and, if what they are saying is all a bluff, call it. Why not set a place and a date, and see whether Rusk shows up? Everybody knows that unless American forces stay in Vietnam for the rest of history the Vietcong are going to have their triumphs anyway; if they negotiated us out of there tomorrow on any terms at all, the country would be theirs before long. Tran Van Dinh, a former South Vietnamese diplomat, at odds with the Saigon regime, has speculated that this very knowledge may be a reason for Ho's not negotiating.

Our departure would create a vacuum that would for a time be filled by the Vietcong but would ultimately be vulnerable to Chinese pressure. Tran Van Dinh believes that one of the last things Ho really wants is a complete American pullout. If the Vietcong can remain as strong as they seem to be with all the Americans chasing them around the country, they should have no trouble at all seizing power after they sat down and told us enough lies about the future to make it impossible for us not to agree to get out. The American people love to be lied to at peace conferences, and if that happened in this instance the guerrilla could put away his shooting irons, turn respectable, run for office, and run the country. General Ky could get a job with Pan American World Airways or just loll about on the Riviera, where he would be an authentic part of the scene and would find a lot of his old friends as well as many new ones.

Nothing so agreeable is going to happen. It is up to us to make the first move. Until recently, I felt that the best first move would be a relatively small one—small but visible: not necessarily putting an end to the bombing but announcing a plan for scaling it down. I know Air Force officers who wouldn't object to this. Why, it may be asked, should they, since the targets are mostly gone anyway? But many other Air Force people would not object to something of the sort being done for political reasons even if they had strategic reservations. I did not think such a move would be of the least help in "bringing Hanoi to the conference table," but I thought that almost any deescalation would put an end to our scaring everyone else about our intentions, particularly toward the Chinese, and would help prepare us for the inevitable.

In time, Johnson or some other President may begin a phased withdrawal in that way. But I now fear that it will soon be too late—by which I mean too late to undo the damage to us. And it is we ourselves in this moment of history that we must think of before we think of anyone or anything else. This is a terrible thing to feel compelled to say. Edwin Reischauer, in his "Beyond Vietnam: The United States and Asia," argues that of the three options he thinks we have—escalation and a likely war with China, complete withdrawal as soon as possible, and plodding along on our present bloody and repugnant course—the last is the least disastrous and hence the most acceptable.

Reischauer, who was until recently our Ambassador in Japan, is a fine scholar and humanist who has great respect and affection for the people of Asia, among whom he lived and studied for many years before John F. Kennedy persuaded him to leave scholarship for diplomacy. He is no hawk, no imperialist, no warrior of any kind. He thinks we were crazy ever to get into this and crazy to have let it reach this point. But what he fears most of all is that if we abandon this undertaking now, we will tell ourselves that Asia is impossible, that we should never again have anything to do with it, and will abandon not only Vietnam but all of Asia, with the likely exception of Japan. I share his fear. We might treat Asia as we treated Europe after 1918. We must ask ourselves right now whether that wouldn't be a pretty good idea.

From some points of view, it might be an excellent idea. If our foreign policy in Asia produces such a monstrosity as the Vietnam war, why not get out? But, as Reischauer sees it, and as I would like to see it, our foreign policy in Asia is more than just the war in Vietnam. Most of Asia needs our help desperately, and we can perhaps use a good deal of Asian help in growing up. I want to go on having an American presence in Asia, because I don't want people to starve to death if we can prevent it, and I don't want Asians to despise my children and grandchildren and plot to destroy them.

Anyway, the thing wouldn't work. In recent years, a good many people have urged the dismantling of NATO, on the ground that it is no longer needed and that what is sometimes called "the European system" can work on its own. Whenever such proposals were brought to the attention of George Ball, the former Under-Secretary of State and a dedicated Europeanist, he would ask their sponsors if they remembered what had happened to "the European system" in 1914 and in 1939. Things may have changed in Europe lately, but there has never been anything anyone could call "the Asian system," capable of settling what diplomats call "regional" problems—usually meaning wars. Even if China managed to contain itself, which doesn't seem very likely, there would still be a good deal of unpleasantness between India and Pakistan. Making their own nuclear weapons might seem more important to them than it does now. And there would be unpleasantness elsewhere in Southeast Asia. And who knows whether some of Japan's long-range planners might not start casting a speculative eye on the "power vacuums" we would be creating?

Until very recently, these considerations put me in substantial agreement with Reischauer that perhaps Johnson's way offers fewer dangers than any of the others. But now I think we have reached—or are just about to reach—a point at which the argument no longer holds water. For one thing, if we continue much longer we may pull out of Asia whether we win, lose, or draw in Vietnam. It happens to be the view of our people that they don't want their kids to be killed so that Asians can go on eating. Most of them would see no logic in saying there is a necessary connection between starvation in India and Americans getting shot in Vietnam, but even if the logic were self-evident they would reject it. Beyond all that, however, we seem as incapable as the South Vietnamese of running a war—or, at any rate, *this* war—and doing anything worthwhile at the same time. Congress insists on cutting our decent programs elsewhere in the world—to say nothing of those in this country—almost to the point of absurdity. In a literal sense, it is finding a way to make the wretched of the earth foot the bill for Vietnam. This isn't its intention, and as a nation we are still more generous than most, yet not only are innocent people dying in Vietnam but, because of the dollars-and-cents cost of the war, they are dying in Africa.

The war in Vietnam is heading too many of us for the loony bin. People who could once talk sensibly about politics are becoming inhinged and disoriented by it. Some are really thinking seriously of running Ronald Reagan for President. A young man who used to be a provocative analyst now screwily and oracularly proclaims that "morality, like politics, starts at the barrel of a gun." This is printed in a local highbrow journal, and it takes a professor from California to remind this well-educated ex-humanist, now evidently en route to some kind of New Left Fascism, that politics *ends* at the barrel of a gun.

Not long ago, a highly intelligent and attractive young Negro spokesman for a radical organization said that he couldn't see any reason anyone should write a book about poverty—he was talking of Michael Harrington's "The Other America"—because anyone who was really poor and had lived in a ghetto knew all there was to know about it anyway. He said he himself could tell it like it is, but thought a book about it was a waste of anyone's time. The land is filling up with cranks and zanies—some well intentioned, some vicious. It can be contended that Vietnam is not the only cause of goofing off, of alienation. Of course it isn't. But it provides the occasion, and it heightens the degree. And so it seems to me that if we stay on in Vietnam we will render ourselves incapable of being of much help to Asians or anyone else. We will need all the help we can get ourselves. If Ronald Reagan became President, I'd say by all means let's not have a foreign policy.

I want us to get out, and then try to recover our sanity, so that we may face the consequences. Some of them cause me almost no concern. The spread of Communism bothers me very little. It may be bad in some places and not so bad in others, but we can live with it just about anywhere—even ninety miles from Key West. Once, it was, or seemed to be, a world movement, and it was surely a brutally expansionist one. But its adventures in expansionism blunted its threat as a world movement. By 1948, when Tito broke with Stalin, it should have been clear that ideology was no match for nationalism—at least in Europe. When China broke with Russia, it was obvious that the same thing went for Asia. Perhaps if we had borne in mind the history of earlier religious movements we could have seen all this fifty years ago.

But we didn't see it, and neither, of course, did they. At any rate, we now know that the mere circumstance that a piece of real estate falls under Communist control doesn't constitute a threat to our existence, and doesn't even mean there is no more hope for the people involved. Nor, with things as they are, can my first concern be with the indisputable fact that by pulling out we would be breaking our pledge not only to the Vietnamese but to the Thais and others to whom what would follow might be quite painful. We are going to get out sooner or later anyway, and when we do we will not go back in, so, no matter what happens in the near future, they are going to have to work out their relations with China without much support from us.

But some of the consequences of withdrawal disturb me greatly. By and large, I think that most of American foreign policy for the last thirty years has been admirable. I want us to continue to be part of the world and to use our considerable talents for the benefit of all mankind. I suspect that if we get out of Vietnam we won't have much left in the way of a foreign policy. And, most of all, I fear what will happen right here if we withdraw. Theodore C. Sorensen writes that since Khrushchev could admit a mistake in the missile crisis five years ago, and Kennedy could acknowledge one at the Bay of Pigs a year before that, Lyndon Johnson ought to be able to do the same thing now.

Here are two analogies that do not work at all. The missile crisis was over in a few days, the Bay of Pigs in a few hours. No Russian soldiers died in the missile crisis, no American ones at the Bay of Pigs. It would take greater magnanimity and a greater dedication to the truth than we have any right to expect of any politician on earth for Lyndon Johnson to say that this whole bloody business is a mistake, and was from the start. He just cannot and will not do it. If he did, he would throw this country into worse turmoil than it has known at any time since

the Civil War. Could he pull out and either say nothing or tell some lies? Could he possibly use Senator Aiken's ploy and announce that we had achieved our ends in Vietnam and were withdrawing? Perhaps, but there would still be turmoil. There will be turmoil whether we stay or go, and I dread it. But between the two, I have less fear of the consequences of withdrawal than of those of perseverance.

This war is intolerable. What does it mean to say that? Not much—talk is cheap. I haven't a clue as to how we can get out, and I have never much liked the idea of proposing without knowing of a means of disposing. I don't think we can write our way out, and I doubt very much if we can demonstrate our way out. But out is where I want us to be, and I don't know what a man can do except say what he thinks and feels.

—RICHARD H. ROVERE.

THE BATTLE OF THE PENTAGON

Mrs. SMITH. Mr. President, the current issue of the Journal of the Armed Forces of October 28, 1967, contains an editorial entitled "Get Out the Disinfectant," which I feel that every American should read. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GET OUT THE DISINFECTANT

(By Louis Stockstill, editor)

The biggest and splashiest news out of Washington in recent days—the battle of the Pentagon—has been headlined so vociferously by the daily press, radio and TV (not only before, but during and after), that there appears to be little left to talk about, now the uproar has subsided.

Even so, we can't resist the temptation to take a parting boot at the defeated "warriors." They were the kind of crowd that sparks such inspiration.

If the scruffy-looking crows who fluttered about with their Viet Cong flags and Che Guevara signs are actually nesting in the national dovecot, all we can say is that the doves would be well advised to get out the disinfectant.

Surely no discerning citizen would believe that these were representative Americans, sincerely interested in finding an honorable and peaceful solution to the problems of Vietnam. From surface appearances, it would seem that many of the group cannot find peaceful solutions to their own troubled and infantile personalities.

One of the demonstration speakers was Doctor Benjamin Spock, the learned expert on baby-care. Perhaps that should give us a clue.

Another "big name" in the mass meeting was autor Norman Mailer (who used to spell four-letter words with only three letters before graduating to the undiluted-graffiti school). He managed to get himself arrested early and didn't have to sit out in the cold with the less affluent peaceniks. Obviously, not only a resourceful writer, but a resourceful individual.

Also among the celebrated peace proponents was the gifted poet, Robert Lowell, who, if cornered, might have a difficult time reconciling his impressive tribute to the first Bostonian killed in the Civil War with his current apostasy of our efforts to strengthen the basic U.S. belief in the dignity and freedom of man.

Dissent is as American as the Grand Canyon, but if it is to be worth anything it must be sounded from a proper forum and articulated with care by responsible citizens. The unkempt crew shouting banalities at the walls of the Pentagon were pathetic in their failure to recognize that all they could expect in return would be the faint echo of their childish chants bouncing back to their own, overly-receptive ears.

There will be no material battle streamer for the "Pentagon campaign," but our young men in uniform who bore the physical brunt of the distasteful affray—and who upheld the dignity of their uniforms and the honor of the nation—can know, nevertheless, that such a streamer floats above their flag, invisible and unseen. And for that reason, perhaps all the more real.

Their comrades-in-arms, fighting in Vietnam, will have been cheered by their victory. And will be aware—we hope—that the clash at home may help to strengthen our national resolve rather than diminish it.

LAW PRODUCING OPPOSITE RESULT FROM WHAT SPONSORS INTENDED

Mr. BYRD of West Virginia. Mr. President, it is an ironic fact of life that socioeconomic legislation does not always produce the result its sponsors intend for it to produce. Open housing laws are a case in point. Such laws rather than bringing about racially open housing may produce racially closed housing instead.

It appears that we may be witnessing such an end result in Takoma Park, just across the District of Columbia line in Maryland. Residents there are expressing the fear that because of the open housing law a former all-white neighborhood may become all black.

What Negroes want I feel sure, Mr. President, is good housing. Good, clean, adequate housing is far more important, in my judgment, than any number of statutes providing so-called open housing. The problem here is more stringent building codes, stricter supervision of sanitation and public health, the elimination of buildings that are substandard—all measures that can be undertaken in most communities under existing laws.

In Takoma Park, petitions are now being circulated asking that no more housing be sold to Negroes, lest a new "black belt" be created. Significantly Negroes are reported to be signing the petition because they are concerned about what has been taking place in that area as a result of open housing. The effort to stem the flow of nonwhite families into the area is biracial. The citizens of both white and Negro races are seeking to halt what they call "overintegration."

Mr. President, it is as difficult now as it has always been to legislate human nature. I favor better housing and better opportunities in general for Negroes. But I doubt seriously that many of the ill-conceived laws we have been asked to enact will bring about the Utopia which the sponsors dream of.

In Takoma Park, Negroes themselves who have acquired former white houses are quoted in the press as saying that if more Negroes move in, the section will become another ghetto.

Mr. President, I ask unanimous consent that a news story dealing with this situation published in the Washington Evening Star of October 30 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Washington Star, Oct. 30, 1967]

BIRACIAL TAKOMA PARK LETTER WARNS OF "OVERINTEGRATION"

A biracial effort has begun to prevent "overintegration" in a Takoma Park neighborhood that has changed from all white to about one-fifth Negro in the last five years.

A letter mailed to 108 homes in the neighborhood, reads in part:

"The white families don't want to have a disproportionate number of Negro families in the neighborhood. Neither do the Negro families want their children to end up in an all-Negro school. If something isn't done soon to reverse the trend, we are going to suffer the fate of overintegration."

The neighborhood is bounded by Piney Branch Road, Ray Drive, and Takoma and Boston Avenues.

"The idea wasn't to stop Negroes from moving in," said Everett A. Jackson, of 7512 Dundalk Road, a federal government employe who is one of two Negroes whose names are attached to the letter. "It was to have them not live in one little group."

Kenneth A. Wood, of 414 Boston Ave., another government worker and one of two white residents whose names are attached, said the letter was mailed Oct. 18 and has elicited little outward response from the neighbors. However, a Negro living across the street, Mrs. Emma Morse, a practical nurse, said she liked the idea. "If more Negroes move in," she said, "the neighborhood will become just another ghetto."

Another neighbor was skeptical of the idea. Roy L. Penley, a real estate agent who lives next to Mrs. Moore commented that "it's a good idea, but you can't start an ideal when people have their ideas set."

Penley said he knows of four white families who want to move out of the three square block neighborhood because of the growing number of Negroes moving in.

Because it is in the Montgomery County part of Takoma Park, they have little choice of whom they can sell to. The county has an open occupancy law that has virtually no loopholes.

Penley, who has his own house for sale, said he is moving, not because of Negroes but because he needs more room for his children.

The letter mailed to the neighborhood also urges that one way to maintain racial balance is to "stay put when a Negro family moves in nearby." It continues: "A good thing to remember in all this is that if you move, you will surely lose. Not only will you lose economically, but you will also lose morally."

SGT. ROBERT T. LEDELLAYTNER, BRIDGEPORT, CONN., DECORATED FOR BRAVERY

Mr. RIBICOFF. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Slovak Catholic Sokol on October 4. The article describes the recent decoration of Sgt. Robert T. Ledellaytner, of Bridgeport, Conn., for individual acts of bravery in Vietnam. Sergeant Ledellaytner received four decorations at special honor ceremonies at the Valley Forge General Hospital in Phoenix, Pa.

It is well to remind ourselves of the acts of sacrifice and courage made daily by our fighting men in South Vietnam. Sergeant Ledellaytner deserves the respect and appreciation of the entire Nation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRIDEPORT, CONN., SOKOL RECEIVED FOUR DECORATIONS FOR BRAVERY IN VIETNAM

A 21-year-old Bridgeport, Conn., Sokol who was twice wounded in the Viet Nam war and twice cited for individual acts of bravery received four decorations Sept. 29 at special honor ceremonies at Valley Forge General Hospital, Phoenixville, Pa.

Sgt. Robert T. Ledellaytner, son of Mr. and Mrs. Vernell Ledellaytner of 383 Birmingham Street, received the Silver Star, the Army's third highest decoration for bravery; the Bronze Star with "V" designation for valor; the Air Medal, and the Purple Heart with oak leaf cluster for wounds received in two separate actions.

IN HOSPITAL SINCE JULY

A patient at Valley Forge hospital since July 1, Sgt. Ledellaytner had previously been awarded the Army Commendation medal with the "V" designation for valor.

The Bridgeport soldier also received the Silver Star for an act of bravery Feb. 5, 1966 when his patrol was ambushed and pinned down by Viet Cong machine gun bunker 50 meters to the front. The Army said Sgt. Ledellaytner advanced under heavy fire and hurled two hand grenades, destroying the bunker and killing two Viet Cong.

He was awarded the Bronze Star with "V" designation for his actions Feb. 2, 1966 when his patrol came under heavy enemy fire while crossing a rice paddy. Three members of the patrol were hit, the Army said, and Sgt. Ledellaytner exposed himself to the enemy fire to give first aid to the wounded men.

WOUNDED TWICE

For wounds received in two separate actions on May 19 and June 16 of this year Sgt. Ledellaytner was presented the Purple Heart with oak leaf cluster. He received the Air Medal for meritorious achievement for taking part in sustained aerial flights during a period from May 6 to May 19 of this year.

A graduate of Notre Dame Catholic high school, Robert entered the Army in June of 1964 and took basic training at Fort Dix, N.J. Following paratrooper training at Fort Benning, Ga., and a stateside assignment with the 101st Airborne division at Fort Campbell, Ky., Sgt. Ledellaytner was assigned to the First Brigade of the 502nd Infantry Division in Vietnam in July of 1965.

He is a member of Assembly 133, Slovak Catholic Sokol. Our Supreme Officer, Henry Luchansky, called this special story to our attention. We felicitate Sgt. Ladellaytner and commend him for his bravery, assuring him that we are proud of his war record. We join the officers and members of Assembly 133 in wishing him good health and God's blessing.

OIL SHALE: PUBLIC HOT POTATO

Mr. HANSEN. Mr. President, in my opinion, an article published recently in the September–October issue of the University of Wyoming Alumnews deserves public attention.

The article, entitled "Oil Shale: Public Hot Potato," is one of the most detailed, comprehensive, and intelligent presentations of the oil shale question, its past, present, and future, that has come to my attention in a long time.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL SHALE: PUBLIC HOT POTATO

(NOTE.—A great deal of the factual material in this article is based on information in a series of articles written by Bert Hanna which appeared in the Denver Post from July 16–27, 1967.)

Oil shale has become a public hot potato in the past few months, and one expert who has been studying the subject for years says, "I know of no topic on the public scene—unless it be Vietnam—on which there is more ignorance, confused thinking and dogmatic opinion than on oil shale."

The University of Wyoming has a stake in the current controversy about oil shale, since it has on its campus the only federal installation devoted to experimentation into oil shale and it has volunteered its services to the Department of the Interior for assisting in further research on the many problems facing the country if the vast wealth of oil buried in rock formations in the Green River formation is to be recovered for future use. (See following article.)

What is oil shale and why is it important?

Oil shale is marlstone (limestone with clay) containing a solid organic deposit called kerogen. These deposits are mostly the remains of small plants which have decomposed through millions of years. Oil can be distilled from the kerogen, then further refined to form such products as kerosene, gasoline, diesel, and jet fuel.

The shale itself is a fine-grained sediment ranging from tan or gray-white through brown, blue, to nearly black. Organic deposits appear throughout the stone in horizontal layers or bands. Richer deposits are in the darker layers.

Largest amounts—some 16,500 square miles—of the formation occur in Colorado, Utah, and Wyoming, with the greatest concentration being in the Piceance Creek basin in Rio Blanco and Garfield Counties in Colorado. Deposits in other states do not appear in quantities recoverable by present methods.

A figure of 1.7 trillion barrels was given recently for the shale oil potential of the three-state area by Dr. Russell G. Wayland, acting chief of the Conservation Division of the U.S. Geological Survey. However, this figure proves meaningless when Dr. Wayland continues that "only about 80 billion barrels of shale oil are considered recoverable by demonstrated mining and retorting methods."

The smaller figure has more meaning because only oil occurring at the ratio of 15 gallons per ton in beds at least 15 feet thick can be recovered economically. Many of the beds in the Green River formation contain 25 gallons of oil to a ton of rock in deposits up to 2,000 feet thick. But 80 billion barrels of oil is well worth going after, since this is more than twice the nation's total proved oil reserves.

Although oil shale has stirred up a lot of popular interest in the past few years, it is no new product and was known to Indians in the western region before the coming of white man as the rock that would burn.

In 1913 the U.S. Geological Survey discovered that oil shales with high potential oil yields were present over wide areas of the Green River formation in Colorado, Utah and Wyoming.

As a result of field examinations, the Survey in 1916 classified the major portion of the formation as mineral lands valuable as a source of petroleum and nitrogen. In December 1916, portions of this formation were withdrawn by presidential order for exclusive use and benefit of the U.S. Navy.

The Bureau of Mines, a division of the Department of the Interior, started its first research laboratory in Laramie in July, 1924. At that time a petroleum field office was established on the University of Wyoming campus through a cooperative agreement between the University and the Bureau of Mines. This laboratory concerned itself only with petroleum resources of the Rocky Mountain Region until 1933, when it was closed for a period of two years due to lack of operating funds.

In July, 1935, the office was reopened on the campus and conducted research on petroleum problems until 1944. At that time the Synthetic Liquid Fuels Act was passed by congress and signed into law by the president. It provided for studying the preparation of liquid fuels from oil shale. Research and development work on oil shale began at the Laramie laboratory in June 1944. The University of Wyoming donated approximately two acres from the northwest corner of the campus as a site for a new laboratory and office building to house this expanded research. The building, presently occupied by 125 employees of the Laramie Petroleum Research Center, was completed in the spring of 1947.

Thus for the past 23 years intensive research has gone forward on the Wyoming campus into the problems of oil shale. The Laramie Center now devotes about three-fourths of its efforts to oil shale.

These efforts are directed toward two major areas—the characteristics of oil shale and the methods of converting organic portions of oil shale into shale oil.

Basic to the development of an industry in oil shale is knowledge of the nature of the rock and oil produced from it. This research is aimed at determining the character, composition, and properties of the rocks; what the organic matter is and where it came from; what takes place during heating of the shale to produce oil; the properties of this oil from which finished products must be made; and reactions occurring during refining of the oil.

The first major area of research at the Center breaks down into six parts: oil yields of representative samples of deposits are determined by a standard assay method; investigation of the elemental composition of the shale organic matter, the nature and composition of the shale mineral matter and the physical and chemical properties of the rocks themselves; a study of the organic material in oil shale; the separation and analysis of the complex mixture of shale oil; investigation of the chemistry of the components in shale oil, which includes the effect of heat on the oil's compounds; and the examination of individual molecules, or even parts of molecules, by spectroscopic methods.

Research into methods of converting organic parts of oil shale into shale oil is conducted in three areas: problems of retorting oil shale to produce shale oil, which is one of the most plaguing ones in the whole oil shale situation and will be dealt with at more length later; engineering problems on permeability, heat transfer, combustion control, conversion reactions and product recovery; and the possibility of converting shale oil to a material more nearly resembling petroleum for which refining methods are available.

Some significant knowledge in all these areas has been gleaned during the years of investigation at the Laramie Center. A great deal of this knowledge has been put into use at the Anvil Points Oil Research Center near Rifle, Colorado, which is in the heart of the oil shale region.

This plant, established first by the Bureau of Mines and presently operated by several oil companies, has been producing oil from oil shale in experimental reports for some 15 years, but processes have not reached the place where the product is competitive economically with petroleum.

The Bureau of Mines suspended operation of the facilities near Rifle in 1956 and responsibility for their maintenance was assigned to the Laramie Petroleum Research Center. Since April 1964 the facilities have been leased by the Colorado School of Mines Research Foundation which has been operating them under a research contract with six oil companies. The Laramie Center still has personnel stationed at the facilities to observe research being conducted.

On Parachute Creek, northwest of Rifle, a private company, The Oil Shale Corporation (TOSCO) has been conducting an ex-

perimental plant on private land rich in oil shale and now plans to spend $130 million on a large-scale commercial venture. The company's activities are directed toward massive mining operation and subsequent above-ground retorting of crushed rock to obtain a crude shale for refinement.

The company claims to have made a significant break-through in production methods which allows them to process 1,000 tons of shale per day now. This amount will be boosted to 66,000 tons of crushed rock per day with the first 58,000 barrels of oil to flow by 1970.

One difficulty with this production is that TOSCO has refused to permit anyone not closely associated with the project to get near the semi-works plants now in operation. Contrasted with such a position is the complementary aspect of federal and University experimentation which eventually is available to industry for commercial application.

An additional factor in TOSCO's operation is that its land titles may not be uncontested. From this situation emerges the largest problem facing the shale oil industry today—that of land rights.

Although over 80 per cent of the land containing oil shale is publicly owned and thus the property of all the people, various kinds of claims have been filed on much of the land under several different mining laws.

When portions of the land in the Green River formation where withdrawn from public lands in 1916 and set aside for the U.S. Navy, this action triggered the filing of thousands of mining claims covering millions of acres in the area. These claims were filed under the mining law of 1872, which permitted anyone who discovered a valuable mineral deposit on the public domain not closed to such discovery to mine the mineral without any payment to the government.

The exact acreage of claims filed under that old act is not known because all the miner was required to do was file a notice with the county clerk and recorder's office. However, the Interior Department, after some amount of search, estimates some 30,000 claims covering more than four million acres were located prior to 1920.

The Mineral Leasing Act of Feb. 25, 1920, superseded this old law and withdrew certain minerals, including oil, gas and oil shale, from its provisions. Instead, it provided that a miner could lease but not gain outright title to his claim. However, the law did not abrogate valid claims under the old law.

The Interior Department began in 1920 to determine what shale lands were already covered by valid claims. Between 1930 and 1933 the department declared 22,245 claims covering 2,884,019 acres in the three states null and void because no mining work had been done on them since they had been filed, as required by law. But the ruling was challenged, and the Supreme Court declared that the department was wrong in declaring claims to be null and void on the failure-to-work charges.

In April 1930, the federal government withdrew deposits of oil shale and lands containing them from disposition under any public laws. But the Department of the Interior continued to issue many patents on mining claims, some as late as 1960.

On December 21, 1966, Judge William E. Doyle of the U.S. District Court in Denver, handed down a historic decision. He affirmed the validity of patent claims on about 16,000 acres of land involved in four contests brought before his court. TOSCO of the western Colorado operation was one of the litigants in this case. This decision is now being appealed.

All of this points up the many land title problems which must be settled before commercial production of shale oil can proceed. Most authorities agree that clearing away this "legalistic underbrush," as Secretary of the Interior Stewart Udall calls it, will take at least 10 years.

Tied into this problem is the one of private versus public development. Shall the federal government lease public lands to private oil companies for development or let private companies mine only on private lands and retain the riches in public lands for the future? This controversy has caused proponents of the public land theory to dub the shale oil leasing plan a "second Teapot Dome scandal."

This problem must also be solved by the courts and the Department of the Interior, and although Secretary Udall is pushing ahead vigorously, the solution may be some time in coming.

Other knotty problems plague the production of shale oil. Since the oil is buried in impermeable rock, the classic question facing producers has been how to extract it. Experiments and successful production to date have used the above-ground retort method. Millions of tons of rock must be dug out from under a heavy cover, brought to the surface, crushed, and oil extracted by a heat method, which requires temperatures as high as 800 degrees. This process tends to be slow and costly, so that shale oil does not compete on the market today with petroleum.

Another major fault with this method is that it leaves a great deal of residue to be disposed of in some way. The American people will not permit immense heaps of "tailings" to scar the landscape around oil shale mines as they did in the heyday of gold and silver mining.

The multiple-use theory of land usage requires that residue from the mining operation be put back underground so the scenic beauty of the land is not destroyed and the areas may be used for recreation, grazing, and other purposes.

A much-discussed method of recovering oil from shale, which would eliminate some of the evils of the above-ground retort method, is *in situ*—in place—processing. Under this plan a huge amount of rock is blasted loose underground by atomic energy or some other fracturing technique, heat is forced into the broken rock, and oil is pumped out, much as petroleum comes from wells.

This method has the advantage of leaving the discarded rock underground and eliminates the problem of disposal. It would be a much faster means of extraction than moving tons of rock to the surface, and it could prove more efficient in percentage of oil removed. But there is no information to show that it would be less expensive—at least in the initial operation. It also has the advantage of using presently known methods of drilling and pumping.

An atomic blast may be set off underground in some of the richer deposits in Piceance Creek basin some time in the next year or two. After that test, perhaps a little more will be known about the feasibility of the *in situ* method.

On the other hand, the *in situ* method could prove highly wasteful unless two potentially valuable byproducts that exist in the spent oil shale can be recovered from the crushed rock left underground. They are dawsonite, a source of aluminum, and nahcolite, a sodium mineral related to trona. With its recent development in trona mining in the western part of the state, Wyoming is particularly interested in this phase of oil shale development.

Shale oil production, by any method, will require vast quantities of water—a resource the West does not have in excess. Thus the present conflict over allocation of upper Colorado River Basin water enters the shale oil problem too.

Implications from the shale oil industry are far-reaching. Although domestic oil reserves are now sufficient for immediate needs, it is estimated that by 1980 oil supplies will fall short of demand. Even now the United States is importing about 20 percent of its supply. The recent Arab-Israel conflict in the Near East points up the necessity for developing our domestic sources for oil and energy. Many authorities feel that we should keep a strong bargaining position in the world market. "We may find Arabian oil much more expensive when we no longer have productive capacity in excess of normal demand," says Russell J. Cameron, head of the research firm of Cameron and Jones of Denver.

The industry's economic contribution to the development of the West can be enormous. Wise decisions now in the development stage can insure adequate oil supplies for generations to come.

INTENSIVE STUDY SEEKS THE ANSWERS

Many segments of the University have joined together to put forward a proposal on the institution's role in leading the way into the area of oil shale development.

When Interior Secretary Stewart L. Udall announced in February a 10-year, $101 million research program aimed at developing vast western beds of shale, Senator Clifford P. Hansen, BS '34, said that he was "very interested in getting Wyoming as deeply involved as possible" in the research.

During March Senator Hansen made a trip to the campus and held a 2½ hour meeting with a number of University officials, including Acting President H. T. Person; A. J. McGaw, dean of engineering; M. C. Mundell, dean of commerce and industry; E. Gerald Meyer, arts and sciences dean, John C. Bellamy, director of the Natural Resources Research Institute (NRRI); Walter E. Duncan, NRRI associate director; Edward J. Hoffman, NRRI coal research engineer; Dwight M. Blood, business and economic research division director; D. L. Blackstone, geology department head; and Rollin H. Denniston, research development director.

Also present were Roy Peck, executive director of the Wyoming Natural Resources Board; Floyd A. Bishop, Wyoming State engineer; J. David Love, supervising geologist, U.S. Geological Survey; Gerald U. Dinneen, director of the Bureau of Mines Laramie Petroleum Center; and Kenneth E. Stanfield, USBM project coordinator.

Following this meeting Senator Hansen announced: "University of Wyoming personnel can expect to play a substantial role in the research and related activities required for the orderly development of the nation's vast western oil shale deposits."

Immediately the University made plans to assume its "substantial role." President Person appointed an ad hoc committee, with members from Geology, Economic Research, Law, Engineering, and Arts and Sciences, plus the USBS, the Laramie Petroleum Center and Research Development. Dean McGaw of engineering was chairman.

After several weeks of intensive study the committee formulated a proposal as to what the University can do over the next 10 years that will lead to development of the latent oil shale resources as a means of increasing domestic energy and mineral supplies.

Since America's economic growth and security in this age is in large part determined by its ability to meet the petroleum needs of industrial and military machines, an adequate supply of gasoline, jet and diesel fuel and other liquid and gaseous fuel products is necessary.

These products can be supplied within our own borders by wise development of our resources, particularly the vast deposits of oil shale that occur in Colorado, Utah and Wyoming.

Despite experimentation done in the past, both by private industry and the federal government, the technology of recovering shale oil is still in its infancy, and many promising new approaches remain to be explored The *in situ* process, for example, under

which oil would be converted and thermally driven from fractured oil shale underground without mining, is an especially promising process for recovering oil from the thicker, deeper parts of the Piceance Creek basin in Colorado. The vast extent and physical characteristics of oil shale offer an excellent opportunity for innovations and radically advanced mining systems that would result in low-cost extraction with maximum conservation of the resource and preservation of land and water quality.

Under the proposed program, primary emphasis is placed upon the development of new or improved technology where the promise of improving the economic feasibility of an industry based upon the exploitation of oil shale seems greatest. In particular, a variety of *in situ* retorting procedures will be developed. Because of the variety of physical conditions under which the resources exist, alternative low-cost extraction processes must be devised. The program will seek to advance technology in this regard, but at the same time it will seek to improve upon known techniques.

The knowledge already learned of the nature and extent of shale deposits is necessary to determine which extraction procedures are practicable and applicable and which local factors may encourage or inhibit commercial development. The program will seek to develop such information, initially to define the sites likely to attract earliest attention, and then to define conditions under which such sites can be exploited to satisfy both public and private interests.

The proposed program places strong emphasis on determining the impact of an oil-shale industry on its environment and recognizes that multiple-resource planning is vital in order to avert adverse effects on other resources. With proper planning, pollution and aesthetical damage can be held to a minimum and satisfactory urban development and roads can be achieved.

Direct participation of several federal agencies, as well as the State of Wyoming, the University and private interests is a part of the plan.

One unique advantage the University of Wyoming has for carrying out the proposed research is the presence of the Laramie Petroleum Research Center on the campus. This center houses the largest facility of the Bureau of Mines devoted to oil shale research.

Plans drawn up several years ago by the Bureau of Mines call for enlarging the present Center. Bureau of Mines Director Walter Hibbard, Jr., outlined some of the expansion needs for the Center in a letter to Senator Hansen.

Hibbard's letter said the present Bureau of Mines research center should be increased to three stories, and for the second fiscal year of an expanded program it would be "necessary to replace the present annex with a four-story, L-shaped building to provide about 40,000 square feet for new work and 15,000 square feet for activities now quartered in the annex."

Total cost of the expansion program would be about $2.5 million, according to Hibbard's letter. Hibbard added, "None of the foregoing has been submitted to the Budget Bureau, nor has it been given complete department review."

A second advantage the University has for carrying out this research is its experience in interdisciplinary activity. The project will require participation of the departments of geology, physics and chemistry in the College of Arts and Sciences; chemical and petroleum engineering; the College of Agriculture; the division of business and economic research from the College of Commerce and Industry; the computer center, and the College of Law. The entire project will be coordinated through the division of research development, headed by Dr. Denniston.

NRRI, under the direction of Dr. Bellamy, has long experience in research on Wyoming resources and has coordinated a number of operation among various University departments. Personnel from NRRI, plus chemists and engineering faculty, have been working with the Laramie Center since 1959. Two specific cooperative studies are now underway. Graduate students are carrying out research under the direction of Dr. Sara Jane Rhoads, professor of chemistry, and a research study in hydrogenation of shale oil is now in progress in the College of Engineering and NRRI.

A further precedent for campus-wide cooperation exists in the formation and operation of the Wyoming Water Resources Research Institute, which developed within NRRI and involves people from the Colleges of Arts and Sciences, Agriculture, Commerce, Engineering, and Law. Of greatest importance is the on-going cooperative work between the University geology department, the USGS, the State Geologist and the Bureau of Mines.

UW's proposal, which includes specifics on number of people required, equipment needed, cost in each division, and other detailed information, consists of three phases. The first phase embodies a number of basic research projects organized on a departmental basis. Phase two would evolve naturally from conversations and informal seminars between researchers in related fields. The third phase is projected as an Oil Shale Cooperative Institute with a more formal organization. Present plans call for activation of only phase one, since it is imperative that work in that phase get underway quickly and efficiently.

Under phase one, geology proposes continued mapping of surface distribution of oil shale bearing rock in the Green River Basin and mapping of occurrences in the Washakie Basin; study of extent and composition of trona and halite in the shales; investigation of composition relative to *in situ* recovery; studies relative to environment of oil shale formation; investigation of volcanic ash and tuff; and examination of existing drilled and core samples relative to other minerals associated with oil shales.

Since Dr. Paul O. McGrew and Dr. Donald L. Blackstone have already carried on stratigraphic and structural studies in the Green River and Washakie Basins, a great deal of this work would be based on findings already made. No new faculty members and not a great deal of equipment would be needed.

Geology's budget totals $132,150, with $73,150 going for expenses for graduate students, and $59,000 for equipment.

Studies in physics will deal with using the electron as a probe to learn the detailed nature of products which come off from heated oil shale. The chemical nature of these products is important to a basic understanding of the shale itself.

Dr. A. B. Denison will use a method of collecting the products on an extremely low-temperature surface immediately after they are emitted from oil shale to learn their elemental nature.

Another project, under the direction of Dr. B. H. Muller, will probe both the amount and the mobility of kerogen in the oil-bearing rock. The reasoning behind this kind of study is that if something is known about the movement of the kerogen, ways can be devised for removing it.

An electromagnet and a microwave spectrometer, recently installed equipment in the physics laboratories, are among tools that will be used in this research. Physics' budget will total $319,813.

Chemistry has proposed four specific projects. Dr. John Howatson will work with the chemical analysis of trona brine, since it is believed that trona may have resulted from reaction with adjacent oil shale deposits. He also wants to investigate the possibility that brine-oil shale interactions may provide a method of *in situ* extraction.

Dr. Victor Ryan has a plan to use the University reactor to analyze shale and other related materials for oxygen, nitrogen and carbon by helium-3 charged particle bombardment in a cyclotron. His second project would deal with lithium isotope ratios in oil shale. The cyclotron at the University of Colorado can be used in these studies.

Dr. Owen Asplund has proposed studying the chemical structure of the organic matter, kerogen, in shale oil. He would attempt to learn the organisms which would break down the kerogen.

As in the case of geological research, much of the equipment is on hand to launch the chemical studies. The total budget in the department would amount to $222,527 for both equipment and personnel.

The division of business and economic research study would consist of a survey and analysis of the economic impact of oil shale development on the region, particularly the parts of the three states most directly concerned. The total budget would run to $38,040.

Much of the work now being done by the Public Land Law Review Commission under public land laws and the Mineral Leasing Act would serve as the basis for applied research into practical problems by the College of Law. The nature of the legal questions has a direct influence on the scientific aspects of the research. The information acquired should be sufficient to insure correct solutions to the questions.

Professor Harold S. Bloomenthal, an authority on mining law and legal problems of mineral development, would head this research project.

Both chemical and petroleum engineering can contribute several specific areas of study to the overall picture.

Dr. Charles R. Smith and R. D. Rinehart, of the petroleum engineering department, have proposals for studying various methods of *in situ* retorting, including well spacing, well patterns, drilling techniques, casing designs and cementing of shafts.

Dr. Donald L. Stinson, head of petroleum engineering, expects to conduct some studies into the corrosive and erosive effects of shale oil on casing and other metal goods, the problems of injecting massive quantities of air, which would be required in *in situ* retorting, and the whole problem of fracturing oil shale.

Dr. Stinson is also heading a study on disposal of solid waste materials by mixing them with water to form a slurry. This semi-liquid substance can then be pumped underground. In above-ground methods of retorting oil shale, this kind of disposal could be of great value.

Petroleum engineering projects are budgeted at $195,000, plus $67,564 for the hydrogenation study already underway. NRRI has some additional proposed studies which would total $187,660.

The plan allows for feed-back between the various departments involved, in order that each individual department would know at all times what progress others are making and no work would be duplicated.

Total cost of the proposed research, for additional equipment necessary, supplies, and sufficient personnel, both professional and graduate students, is $1,162,754 for the first year. Although the Department of the Interior has not approved such an expenditure, it would come within Secretary Udall's estimate of a $101 million expenditure in 10 years.

Financing for many of these projects from private industry is a possibility, since industry will be invited to participate in joint ventures and to cooperate in the program with work being undertaken under the general direction of joint government-industry committees which can be formed in co-

operation with industrial and scientific groups * * *.

NOT WANTED: SULFUR AND NITROGEN

Even after oil shale is extracted from the rock, it continues to present problems in refinement, since the viscous material is decidedly different from petroleum that is pumped out of the ground.

Dr. Howard Silver, associate professor of chemical engineering at the University and chemical engineer at NRRI, is directing a project, financed by a $47,250 grant from the Bureau of Mines, into the problems of refining shale oil. This research is the first specific project undertaken by University personnel in the field.

The difference between petroleum and crude shale oil lies in the amount of nitrogen, sulphur and oxygen it contains. For example, crude petroleum contains something like 600 parts of nitrogen per million parts of oil. But shale oil may contain as much as 20,000 parts per million. The sulphur content also runs high.

Since sulphur and nitrogen are the elements in oil which must be removed before it is useful as a pollutant-free fuel oil or can be further converted into kerosene, gasoline and other products, these huge amounts do indeed create a manufacturing problem. Further, the catalysts now used by the petroleum industry are deactivated by such huge quantities of the undesirable elements.

There are two present known methods of removing nitrogen from oils. One is by washing the oil with an acid, which combines with the nitrogen and removes it. The difficulty with this process is that the molecular arrangement of shale oil is such that the acid not only removes the nitrogen, but also as much as half the oil itself.

A second method is by hydrogenation—the addition of hydrogen to the oil. This method requires both high temperatures and intense pressure during the reaction. Generally industrial requirements for petroleum processing are that pressure of no more than 3,000 pounds linked with a reaction time of no more than two hours be observed. For shale oil these restrictions require the use of high operating temperatures which are unfavorable for the removal of sulphur and nitrogen.

Hence, Dr. Silver, and his researchers are experimenting with various amounts of pressure at differing lengths of time.

Dr. Silver says, "We are not restricting ourselves to conditions now being used in the oil industry. We will survey a much wider range of operating conditions than is normally used in de-nitrifying petroleum stocks. We think by expanding the range of conditions we may find a new set of conditions which will be successful."

So far they have experimented with pressures as high as 6,000 pounds and reaction times as long as eight hours.

An interesting sidelight of this research is that sulphur and nitrogen are among the elements that contribute to air pollution when oil or other refinery products are burned for fuel. If Dr. Silver and his assistants are successful in reducing these elements, such a finding could be beneficial to the present oil industry and could result in reduction of air pollution.

Dr. Silver, who holds his bachelor's degree from the Colorado School of Mines and his master's and doctorate from the University of Michigan, had been actively engaged in hydrogenation processing before he joined the University faculty in 1964. His experience was the major factor that made him a logical choice to head the project.

The University of Wyoming was also a logical institution to carry on this type of exploration, since the Natural Resources Research Institute (NRRI)—the research arm of the College of Engineering, has long been working with the hydrogenation of coal and had on hand most of the equipment and basic knowledge for continuing the research into shale oil.

NRRI has been conducting work on hydrogenation since 1954, first with heavy black oils of Wyoming and later with liquid tars and pitches produced by the carbonization of coals. Since 1964 a large research program involving hydrogenation processing of coal has been carried forward under sponsorship of the Wyoming Highway Department and the U.S. Bureau of Public Roads. This program has been directed at the production of a bituminous cement from coal for highway construction.

Assisting with the current research as advisors are W. F. Duncan, associate director of NRRI; E. J. Hoffman, NRRI coal research engineer; and Dr. D. L. Stinson, head of the petroleum engineering department of the University.

A particular Aminco batch reactor, which was utilized in the coal research, is the major piece of equipment used for the shale oil project. Into it the investigators put samples of shale oil, secured from the Laramie Petroleum Center, force hydrogen into the thick-walled container, and operate it under varying conditions. After the gases have been vented off, the remaining product is tested for sulfur and nitrogen content, as well as for the amount of gasoline present.

As yet only pressure, heat and time have been the varying elements in treating the shale oil. A new reactor, valued at $5,600, has been ordered and will probably be installed some time in November. When this reactor arrives, it will have the advantage of allowing catalysts to be used in the study.

Although the grant was allowed in January, Dr. Silver and his assistants were unable to begin work until mid March. Scheduled for completion within a period of 18 months, the project was one-third of the way along on July 1. The first phase dealt with hydrogenation without the use of a catalyst. The investigators feel they have made advances in the study and will soon be ready to experiment with the use of catalysts.

Five graduate students in chemical engineering are on Dr. Silver's staff assisting him with the research. They are William Elmore, BS '67; George E. Lessley, BS '67; Gerald R. Pastor, BS '66; and M. D. Rao, from Hyderabad, India, who took his bachelor's degree from Osmania University in Hyderabad.

Undergraduates assisting are Jay Lyon, chemical engineering; Lyle Lake, aeronautical engineering; Linda Cheatham and Larry Andersen, petroleum engineering, and Joe Pierantoni, statistics.

All of the researchers worked throughout the summer, as well as last school year. A sizable part of the $47,250 federal grant is going to pay them for their research time. The University is providing $12,600 to pay part time salaries of the advisors.

If these researchers can come up with a method of removing hydrogen and sulphur from shale oil, one of the big barriers to commercial production will have been hurdled. Once research has learned the way, the oil industry can take it from there.

MADISON CONGREGATION SUGGESTS VIETNAMESE PEACE CONFERENCE

Mr. NELSON. Mr. President, I have received a copy of a very fine letter which members of the First Congregational Church, of Madison, Wis., recently sent to President Johnson asking him "to take all necessary and prudent steps to reverse the apparent trend of escalation in the military conflict in Vietnam."

Deeply disturbed concerning our present policies in Vietnam, members of this congregation held six discussion meetings and then voted overwhelmingly at a congregational meeting to write the President of their views and suggestions.

To share their thoughtful proposals with other Senators, I ask unanimous consent that the letter and a commentary by Mr. Jurgen Herbst of the congregation be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FIRST CONGREGATIONAL CHURCH,
Madison, Wis., October 12, 1967.

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Moved by our concerns of conscience as Christians and citizens of the United States of America, inspired by the ideals and commitments of our nation as they are expressed in our country's Declaration of Independence and in our Constitution, committed to uphold these in our minds, hearts, and actions, with a deep sense of Christian and patriotic responsibility toward our countrymen, dead, living, and yet to be born, and regarding highly the decent opinions of mankind, we, as members of a Christian church and loyal citizens of our country, ask you to take all necessary and prudent steps to reverse the apparent trend of escalation in the military conflict in Vietnam.

Specifically, we suggest that you declare the readiness of the United States to prepare the way for political negotiations among the contending Vietnamese parties—the Republic of Vietnam, the National Liberation Front, the Democratic Republic of Vietnam through their representatives at a Vietnam Peace Conference, by offering an immediate cease-fire to be binding on all parties to the military conflict on the land, on the water, and in the air.

Such cease-fire to include the cessation of any troop reinforcements and introduction of military personnel and materiel from the outside into the territory of either the Republic of Vietnam or the Democratic Republic of Vietnam, and to be followed by a regrouping of all military and paramilitary forces involved in the conflict in areas agreed upon by representatives of the forces of the United States of America, the Republic of Vietnam, the National Liberation Front, and the Democratic Republic of Vietnam at a cease-fire conference to be held within two weeks after the cease-fire has gone into effect.

We urge that you ask either the United Nations or the powers staffing the International Commission for Supervision and Control in Vietnam, set up by the Geneva Conference in 1954, to assume the responsibilities of supervising the execution of the cease-fire agreements.

We urge further that you declare the willingness of the United States to respect and abide by the results of the political negotiations among the Vietnamese partners to the present conflict, negotiations which are to be conducted by these parties at a Vietnamese Peace Conference to be held as soon as possible after the cease-fire has gone into effect.

Adopted by the congregational meeting of October 11, 1967, First Congregational Church, Madison, Wisconsin.

Respectfully submitted.

MR. HARRY L. HAMILTON,
Moderator of the Church.

COMMENTARY ON LETTER OF CONGREGATIONAL MEETING OF FIRST CONGREGATIONAL CHURCH OF MADISON, OCTOBER 11, 1967

The letter expresses a consensus that the first priority concerning the Vietnam issue is to bring an end to the military conflict in order to provide conditions under which a political settlement may be achieved.

The letter takes it as basic that any settlement of the Vietnam issue must be worked out and agreed upon by the Vietnamese people through their representatives, and that all non-Vietnamese involved in the present conflict must agree to respect any such settlement and to refrain from interfering with and in it.

The letter holds to the belief that the announced aims of United States foreign policy—to assure a people's right to self-determination, to resist armed aggression, to aid in the stabilization of areas emerging from colonial rule—are not neglected or controverted in the proposals contained in the letter, provided that the suggested settlement is worked out and agreed upon by the Vietnamese themselves in political negotiations among representatives of the Vietnamese groups or governments named in the letter.

The letter suggests two separate steps: (1) a cease-fire; (2) a peace conference. The first is seen as a means of bringing about the second. The United States would be an active partner to the cease-fire; she would not be a partner to the peace conference other than (a) through her promise to respect and uphold its decisions, or (b) by her willingness to participate if she were so asked by all the partners to the conference.

The mechanism suggested for the cease-fire is modelled on that endorsed by the Geneva Conference of 1954. The recommendation to follow the Geneva model pertains to the cease-fire arrangements only.

During the discussions of the letter the following additional observations were made:

The letter does not call for a cessation of bombing as a precondition for negotiations. A permanent cessation of bombing exposes the United States to unacceptable risks; a temporary cessation exposes North Vietnam to the threat of blackmail by bombing. Either condition is unacceptable to one of the parties involved. The letter therefore suggests a universal cease-fire equally applicable to all combatants as a means of breaking the apparent deadlock over the "stop-the bombing" issue and as most likely and promising to be acceptable to all partners involved.

The letter does not pretend to foresee at which results the suggested Vietnam Peace Conference might arrive. It does not imply a preference for either a united Vietnam or two or three semi-autonomous states grouped in a confederation. The letter affirms, however, that whatever decision is arrived at, be a decision of the Vietnamese themselves.

The letter does not imply a United States withdrawal from Vietnam. It implies that whether or not the United States continue to give economic and other aid to Vietnam depend on the expressed desire of the Vietnam Peace Conference or the government or governments set up by it. The United States is to act in Vietnam upon invitation of the host country. Such invitation is to be renewed by or after the Peace Conference. Only if such invitation is then not forthcoming, is the United States to abide by the wishes of her hosts and to cease its activities in Vietnam. Nothing, however, should prevent the United States from offering her help, if she so desires.

The letter is based on information publicly available to the Congregational Meeting. It is prompted by the concerns of American citizens for the welfare of their country. There is no claim contained in it to superior wisdom. It was discussed, drafted, voted upon, and approved as an act of responsible citizenship. The Congregational Meeting trusts that it will be understood and received as such.

JURGEN HERBST.

NEW ZEALAND'S ASSISTANCE TO SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, on October 31, I made a statement on the floor of the Senate on the subject of free world assistance to Vietnam. In the course of that statement I said that in the period 1964 through 1966 New Zealand's trade with North Vietnam had been about eight times its assistance to South Vietnam.

It has been brought to my attention by the New Zealand Embassy that my statement regarding New Zealand's trade with North Vietnam and assistance to South Vietnam was incorrect. According to the Embassy, in the period April 1964 through April 1966—New Zealand's financial years begin on April 1—New Zealand's trade with North Vietnam totaled $60,000, exclusively in tallow, while during the same period its economic assistance to South Vietnam, under the Colombo plan, totaled $615,000. While it is difficult to estimate the dollar value of the military assistance given by New Zealand to South Vietnam during this period, according to the New Zealand Embassy it totaled not less than $1,500,000 and has, of course, increased considerably since.

The New Zealand Embassy has also brought to my attention the fact that New Zealand has embargoed trade with North Vietnam since March 1966.

Mr. President, I very much regret the error in my statement on October 31 and apologize to the Government of New Zealand for my mistake.

RETIRED PERSONS URGED TO VOTE

Mr. PROUTY. Mr. President, with the approaching national elections next year and, indeed, with some local elections coming this month, it is appropriate, I think, for us to remind ourselves and the people of the Nation of the necessity of registering and voting if good government is to be assured in our Nation.

The current issue of Modern Maturity, the official organ of the American Association of Retired Persons, contains an article entitled: "Register, Vote, Be Counted."

Messrs. Ernest Giddings and James S. Rubin, the authors of the article, quite effectively point out the desirability of exercising the right to vote.

I recommend the article to all who read the CONGRESSIONAL RECORD and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REGISTER, VOTE, BE COUNTED

(By Ernest Giddings, legislative representative; James S. Rubin, legislative assistant)

Vote and the choice is yours; don't vote and the choice is theirs! Of course, we are all familiar with that cliche. To us, however, it must have a special meaning. After all, we who have witnessed so much bloodshed, conflict and starvation in this world, and so much advancement in science, health, and education, have an important duty to exercise our vote so that others may get the benefit of our wisdom and experience. We cannot shirk this responsibility; to do so would make us derelict in our duty to ourselves and to our country.

It is the duty of all qualified citizens to be acquainted with the issues and to vote accordingly. Just because we are retired does not mean that we can refrain from exercising our civic responsibilities. We should speak out, and we must be heard. In order to be heard, we must register and vote. But that is not enough. There are some issues which concern us personally, such as Social Security, medicare, inflation, health research, etc. We must become familiar with these issues and with the candidates' stands on them. In addition, there are many other problems facing this country—our foreign commitments, education, and crime, just to name a few. Surely we can be helpful and our expertise useful in some of these areas.

If you are not registered, you should do so. Encourage your friends and acquaintances to register; start a voter registration drive if you have the time. Registering to vote is the first step on the path of having a voice in your government.

As you know, the laws regarding registration are State and local in nature. Most of the time you may register as a member of one of the political parties or as an independent. Generally, if you wish to participate in the primary elections, you must be affiliated with one of the political parties holding primaries. The primary elections are very important and too many of us do not give them the attention they deserve. This is unfortunate. Let us not forget that it is the primary which ultimately determines whom we may vote for in the general election. Good citizenship requires that we vote in the primaries so that we may be assured that the general election is not merely a "choice between the lesser of two evils," but is indeed a choice between the most qualified persons available. Only if we concern ourselves with the primaries as well as the general elections will we have such a choice.

And this concern with elections should not be limited to the National ones. Many of the decisions affecting each and every one of us are made on the State level and the local level. The elections, both primary and general, at these levels should not be ignored.

Thus, with all of the elections to come, each of us has an opportunity to become part of them. There is always a need for good candidates. Among our members are those with leadership qualities that would make for excellent candidates. But not all of us have the ambitions or capabilities to run for office. That is fine, because there must be workers, it is indeed unfortunate that in this country of ours there are not more people working during campaigns. There are envelopes to stuff, people to be called on the phone, phones to answer, transporting of voters to the polls, babysitting so people can vote, watching the voting, etc. The people who do these things, of course, are going to have their voices heard a little more than those who do not. And it is an excellent opportunity for many retired people to participate actively in this important part of the American way, and have fun doing it.

If you are interested, contact your local party headquarters. They will be more than happy to hear from you and can arrange activities at your convenience.

QUALIFICATIONS FOR VOTING

State	Previous residence required		
	State	County	Precinct
Alabama	1 year	6 months	3 months.
Alaska	do		30 days.[1]
Arizona	do.[2]	30 days	Do.
Arkansas	do	6 months	Do.
California	do.[3]	90 days	54 days.
Colorado	do.[3]	do	20 days.
Connecticut	6 months	6 months[3]	
Delaware	1 year	3 months	30 days.
Florida	do	6 months	
Georgia	do	do	
Hawaii	do		3 months.
Idaho	6 months[2]	30 days	30 days.
Illinois	1 year	90 days	Do.
Indiana	6 months	60 days[4]	Do.
Iowa	do	do	10 days.
Kansas	do.[2]	30 days	30 days.
Kentucky	1 year	6 months	60 days.
Louisiana	do	do	3 months.[7]
Maine	6 months		Do.[6]
Maryland	1 year	6 months	
Massachusetts	do		6 months.[8]
Michigan	6 months		30 days.

QUALIFICATIONS FOR VOTING—Continued

State	Previous residence required		
	State	County	Precinct
Minnesota	6 months		30 days.
Mississippi	2 years	1 year	6 months.
Missouri	1 year [3]	60 days	60 days.
Montana	1 year	30 days	30 days.
Nebraska	6 months [2]	40 days	10 days.
Nevada	do	30 days	Do.
New Hampshire	do	6 months	6 months.
New Jersey	do	40 days	
New Mexico	1 year	90 days	30 days.
New York	do [3]	4 months	Do.
North Carolina	do [3]		Do.
North Dakota	do	90 days	Do.
Ohio	do [3]	40 days	40 days.
Oklahoma	6 months	2 months	20 days.
Oregon	do [3]		
Pennsylvania	1 year [4]		2 months.
Rhode Island	do		6 months. [6]
South Carolina	do	6 months	3 months.
South Dakota	do	90 days	30 days.
Tennessee	do	3 months	
Texas	do	6 months	
Utah	do	4 months	60 days.
Vermont	do	90 days	90 days.
Virginia	do	6 months	30 days.
Washington	do	90 days	Do.
West Virginia	do	60 days	Do.
Wisconsin	do [3]		10 days.
Wyoming	do	60 days	Do.

[1] Election district.
[2] Residence requirement reduced for qualified voters from another State when voting for President and Vice President.
[3] Town.
[4] 6 months for qualified voter or native of State who moved away and returned.
[5] Township.
[6] Municipality.
[7] 4 months in municipality for municipal elections.
[8] With certain exceptions.

Source: From the 1967 World Almanac.

INDEPENDENCE OF SMALL BUSINESS ADMINISTRATION MUST BE MAINTAINED

Mr. SMATHERS. Mr. President, the manner in which history tends to repeat itself is often curious. In 1965 and 1966, ill-advised plans to merge the independent Small Business Administration into the Department of Commerce were finally, after a bitter struggle, abandoned. I was among the many Members of Congress who opposed that effort and who felt that the threat to the independence of the SBA had been laid to rest.

Apparently I, and others, were mistaken.

Now the possibility has arisen once again that SBA could lose its independence. Such a danger would be real and imminent if section 406 of title IV of the Economic Opportunity Act Amendments of 1967 were to finally pass as it is now written. This section would, in effect, empower the Department of Commerce to conduct duplicative and, indeed, directly competing programs in the important areas of procurement assistance and management aids.

Although S. 2388 has passed the Senate and has been reported by the House Committee on Education and Labor, I am hopeful that friends of small business within the House will see to it that when S. 2388 reaches the floor of that body, this section will be changed to designate the Administrator of SBA rather than the Secretary of Commerce as the authority in whom the powers of that section are vested.

REPUBLICAN GOVERNORS FAILURE TO SUPPORT THE WAR IN VIETNAM

Mr. McGEE. Mr. President, the distinguished Senator from New Hampshire [Mr. McINTYRE] made an excellent point in the Senate on October 24 when he observed that the recent failure of the Republican Governors to go on record in support of the war Americans are fighting in Vietnam could have serious implications. He noted, for instance, that it gave a certain amount of "respectability—and, perhaps, prestige" to militant critics of U.S. policy. And he suggested that there might be more than coincidence in Hanoi's announcement "that there will be no negotiations whatsoever in regard to Vietnam until after the 1968 presidential election."

The speech the Senator delivered has been properly commended for its cool analysis by Kenneth Crawford, in a column published in Newsweek magazine. Mr. Crawford recommends a reading of the CONGRESSIONAL RECORD by those who are interested in sorting out such jewels of thought. I ask unanimous consent that Mr. Crawford's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

READING THE RECORD

(By Kenneth Crawford)

The Congressional Record deserves a wider and more attentive readership than it has. There is scarcely an issue that fails to reward the persistent browser with facts and fancies, conscious and unconscious humor, cogent and irrelevant arguments and insights into the realities of politics to be found nowhere else in print. It purports to record debate in the House and Senate, but that is a relatively small part of its function. It is primarily a convenient vehicle of campaign propaganda for incumbent members of Congress.

The important business of the legislative branch is conducted in committee, in conference and in cloakroom palaver. Floor debate is more often than not desultory and pro forma. Members use it to explain decisions already made. The explanations frequently obscure rather than clarify the reasons for decision. Discussion is intended not so much to influence Congress as to influence the voters back home. Once set down in the Record, speeches can be reprinted and mailed free to constituents.

Many a jewel gets lost among the Record's myriad treasures. The issue of Tuesday, Oct. 24, for example, contains a short speech by Sen. Thomas J. McIntyre of New Hampshire, perhaps the least talkative of the Senate's members and, although a Democrat, one of the least partisan. He goes his way supporting the Administration when he thinks it right and opposing when he thinks it wrong. His speech seems to have been made for no purpose except to get something off his chest. It probably won't be reprinted for mailing to New Hampshire.

What McIntyre had on his chest was the failure of Republican governors during the recent Governors Conference afloat to support the war Americans are fighting in Vietnam. He ignored the incident that made the news—the purloining of White House aide Marvin Watson's radiogram to former Gov. Price Daniels of Texas suggesting ways of twisting Republican arms to get an endorsement of war policy. McIntyre offered no pious judgment of Gov. Ronald Reagan's ethics in reading somebody else's message and broadcasting it.

The Republican governors' refusal to approve or disapprove, McIntyre said, had the effect of disapproval in the circumstances. And this had the effect, in turn, of providing "respectability—and, perhaps, prestige—to militant individuals and groups who oppose the war. This . . . enables a radical fringe to preach anarchy under the cloak of dissent to advocate disorder in the name of protest . . . As the demonstrations grow in number, intensity and violence, there is reaction in Hanoi and Peking . . .

"I could suggest there is more than coincidence in this week's announcement from Hanoi that there will be no negotiations whatsoever in regard to Vietnam until after the 1968 Presidential election."

Recent Records are packed with speeches about the peace march on the Pentagon, denouncing the display of enemy flags, beards and obscenities, and about the Governors Conference, deploring the raw political maneuvering on both sides. But none of them puts a finger on the serious concern officials feel about the two events as coolly as McIntyre's.

FORMER CEA CHAIRMAN SAULNIER: HOW TO MAKE PROSPERITY LAST

Mr. PROXMIRE. Mr. President, today we have the third article in the United Press International series on how to make prosperity last. The article, published in this morning's Post, is written by Dr. Raymond J. Saulnier, who served with President Eisenhower's Council of Economic Advisers from 1953, and was Chairman of the Council from 1956 to 1961.

Dr. Saulnier has had a long and distinguished career on the faculty of Columbia University and Barnard College beginning in 1934. Since 1949 he has held the position of professor of economics. He has also served as director of financial research of the National Bureau of Economic Research, Inc., since 1946. Prior to joining the staff of the Council of Economic Advisers, Dr. Saulnier was special adviser to the Board of Governors of the Federal Reserve System from 1950 to 1952.

Dr. Saulnier presents a gloomy picture of our economic situation, declaring that the longest expansion on record is hardly an occasion for rejoicing. He attributes our continuing prosperity primarily to the war, and believes that the economy is indeed threatened by a "financial shambles."

While I recognize that we have serious economic problems today, I do not believe that such an analysis is fair. A clearer perspective or our present economic problems emerges when we compare the situation today with that of the middle and late 1950's. During these years we were not faced with the tremendous problems imposed by a war, yet our economic performance was far less acceptable than it is today. From 1955 to 1958 prices rose at an annual rate of 2½ percent, capacity utilization averaged a low 84 percent, and unemployment averaged over 5 percent. Inflation was only slowed at the end of the decade by a further rise in unemployment. In mid-1961, the unemployment rate reached 7 percent, and the gap between potential and real gross national product was about $50 billion.

I also cannot agree with Dr. Saulnier about the need for a tax increase. Certainly support of a tax increase is not consistent with the gloomy picture he paints of our lagging private economy.

But to conclude on a more complementary note, I fully support two of Dr. Saulnier's points. As he states, we must do a better job of setting expenditure

priorities. We cannot proceed with the necessary programs to help the poor, renew our cities, and upgrade our education and health services, if we do not cut back on low priority areas such as public works and the development of a supersonic transport.

I also agree that we need a more orderly expansion in the money supply; the current 9 percent rate should be reduced to 4 or 5 percent as Dr. Saulnier suggests.

Mr. President, I ask unanimous consent that Dr. Saulnier's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 2, 1967]

HOW TO MAKE PROSPERITY LAST—III: PUT FINANCIAL AFFAIRS IN ORDER, SAYS SAULNIER

(EDITOR'S NOTE.—The current expansion—the longest in the nation's history, is due "in large part" to the war in Vietnam. That's the gloomy opinion of the man, who served as Chairman of President Eisenhower's Council of Economic Advisers from 1956 to 1961. Raymond J. Saunier is now Professor Economics at Barnard College, Columbia University, in New York. The following is the third of five articles written for United Press International by past and present council chairmen.)

(By Raymond J. Saulnier)

It is the longest expansion on record, to be sure, but the occasion is hardly one for rejoicing.

The longest previous expansion ended in February 1945. It was extended to 80 months by World War II.

The present expansion has reached 81 months in large part due to the war in Vietnam. There is nothing here that warrants being celebrated as a happy anniversary.

Nor is there any basis for rejoicing in the state of the economy. Cost and price inflation are back again. Since January 1967, the cost-of-living has been rising at a rate that will cut the value of the dollar by 37 per cent in a decade.

INFLATION MAY GET WORSE

More hours are being lost in strikes than at any time in eight years. Interest rates are higher than they have been in over 30 years.

And the prospect is that inflation will get worse before it gets better.

Unemployment is low, but no lower than might be expected in a war period. Even so, industrial production was no higher in August 1967 than 12 months ago, and less than 85 percent of industrial capacity is being utilized.

Actually, recession was avoided this year only by a narrow margin, which is something of a miracle considering we are in a war and considering that the money supply is being inflated by 9 percent a year, and budgetary deficits—in total defiance of the "new economics"—get bigger as unemployment rates get lower.

Obviously, the problem is how to correct these conditions and how to avoid the financial crisis that thoughtful people know is a real danger.

BUDGET DEEP IN RED

Two things are essential. First, the budget must be moved back toward balance. But it is so deep in the red now that even with a tax increase, which is clearly needed, spending would have to be held at the fiscal 1968 level for two years to give revenues a chance to close the gap.

Obviously, we must do a better job of setting expenditure priorities or we will have what the Secretary of the Treasury, with uncommon candor, recently described as a "financial shambles."

Second, annual increases in the money supply must be reduced from the current 9 per cent to 4 or 5 per cent. Like balancing the budget, this too will take time—at least it should.

In the meantime, we shall have to put up with inflation, with high interest rates and with a growth rate below what we might have had if costs and prices were stable.

Beyond these essentials there is a long agenda of unfinished business. We must learn better how to train unemployed people for jobs and how to motivate them toward continuing employment and self-support.

We must renew our cities, clean our air and water, improve our transportation, upgrade our education and health services, etc., etc.

But what is essential for progress in all of this is that we first put our financial affairs in order.

FIRSTHAND VIEW OF A RIOT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a recent column, entitled "Firsthand View of a Riot," written by Mr. Austin V. Wood, publisher of the Wheeling, W. Va., News-Register.

There being no objection, the column was ordered to be printed in the RECORD as follows:

FIRSTHAND VIEW OF A RIOT

(By Austin V. Wood)

I was fortunate to be in Oakland, California, last week and to witness part of the riots which took place there. I found it not only interesting, but also significant, so I pass it on to you.

I arrived in Oakland on Wednesday too late to personally view the first of the riots, but through the Oakland Tribune which staffed the occurrence with twelve reporters I was enabled to get full first-hand information. The objective was to block the Induction Center so that draftees called up could not be inducted. Four thousand demonstrators occupied all approaches to the Center when two hundred policemen went into well planned action. The going admittedly was rough but through the use of night sticks and tear gas the situation was cleared and the demonstration virtually broken up in twenty minutes. More than one hundred arrests were made and more than one hundred demonstrators were sentenced next day to ten days in jail and a $25 fine.

Newspapers that night were unanimous in their claim that the police were unnecessarily rough and that several news and television men had been shoved and assaulted by the officers. In the Oakland Tribune news room, the Publisher ordered the word "bloody" stricken from the first edition. However, the Tribune report turned out to be the mildest in the entire area and television that night confirmed the fact that the confrontation had been bloody indeed. The San Francisco Chronical obtained an injunction against the police department forbidding officers to interfere with the newsmen and photographers.

Thursday was relatively quiet. The police action on Tuesday evidently required a regrouping. I went to the Berkeley campus of the University of California. On the street adjoining there was a car occupied by bearded "activists" with a loud-speaker urging attendance at a gathering called to plan further demonstration on Friday. An injunction had been obtained forbidding any gathering on the campus. Nevertheless, the car went unmolested and four thousand attended a rally on the campus that afternoon. Nothing was done.

On Friday, twenty thousand demonstrators and twelve hundred policemen showed up at Induction Center. The police had been forbidden to use clubs or tear gas. Nevertheless in two hours they were in complete control, the streets were clear and draftees were freely entering the induction center. Although a number of cars were overturned, there were few arrests and no injuries.

Now as to observations: The crowd on Friday appeared to be composed largely of "activists" who are to be distinguished from "Hippies" although the long hair, beard, etc. are the same. There were very few Negroes. It was said that only ten per cent came from the University of California, the rest coming from the numerous surrounding colleges. It seemed to me that the demonstration in itself was comparatively harmless. Basically, it was a bunch of youngsters who are victims of a fad. I cannot believe this fad to be permanent. Surely a sect which demands disreputable clothing and filthy bodies cannot long endure. Much of the blame must fall upon parents and much upon the University of California which utterly failed in discipline when the activist movement started last year.

And there is an even greater responsibility which falls upon a large segment of the American people. Too many of us have allowed ourselves to fall victim of the social and psychological philosophy that the right of dissention has no limitation. We have allowed ourselves to subscribe to too many new conceptions of government, new conceptions of crime, new conceptions of education and numerous other activities which fill our daily lives. Thus we fail actively to protect the substitution of the rule of force for the rule of law. There was no public protest of the virtual disarming of the police in Oakland on Friday. So many sociologists have found their way into our government that their ceaseless flow of propaganda has deprived too many of us of the courage to express ourselves publicly.

THE VISTA VOLUNTEERS

Mr. MONDALE. Mr. President, the Minnesota Journal of Education recently featured a warm and perceptive insight into the work VISTA volunteers are performing in the educational field. VISTA is one of the OEO programs that has met with wide acceptance and popularity, not only among those in poverty whom VISTA volunteers serve, but also among thousands of our dedicated and idealistic young people who have joined the VISTA program.

Some of the reasons for VISTA's appeal reveal themselves in an excellent article published in the October 1967, issue of the Minnesota Journal of Education. I ask unanimous consent that the article, entitled "Teachers Serve as VISTA's," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN NATION'S POVERTY WAR TEACHERS SERVE AS VISTA'S

(NOTE.—A New Yorker, received her MA in Teaching from Duke University and has taught Spanish and English in high schools in North Carolina and in New York. A former member of NEA and of New York and North Carolina State Teachers Associations, she was elected to Kappa Delta Pi, national education fraternity, in 1962. She received her BA in English from Oberlin College in Ohio, and did graduate study in Italian at the University of Florence, Italy. Traveling in Europe and in Mexico, she studied language-teaching techniques in the primary grades.

She taught English as a foreign language both in Mexico City and in North Carolina where she held evening classes for Cuban refugees. As a community relations staff writer for VISTA in Washington, D.C., she has written a number of articles on former teachers in VISTA.)

(By Peggy Bliss)

Some people never learn. But then, some people never had the chance. What happens when they finally do get the chance can be amazing: A West Virginia mountaineer proudly nailed a long overdue high school diploma on his cabin wall; 15 unemployed Kentucky coal miners learned to read; a group of Lummi Indians learned the language of their forgotten ancestors.

These Americans were once bypassed by education. They got their second chance from people who had left the conventional classroom to go where there were no classrooms. The West Virginian owes his diploma to the encouragement of a retired teacher whose classroom was a tiny church. The coal miners learned to read at night in a sagging schoolhouse with the help of a young California teacher. The Lummi Indians preserved their culture and also learned English in the classes of a Massachusetts business teacher.

VOLUNTEERS TEACH TUTORIAL PROGRAMS

These teachers are all members of VISTA (Volunteers In Service To America), who put their teaching skills to use where the needs were greatest. The Volunteers, many with long experience, others newly certified, seldom teach in organized classes; they use their skills in special tutorial programs.

In the rural community of Moultrie, Georgia, children in the midst of integration need individual help to catch up with their classmates. Edna Rhea, 68, a retired first grade teacher from Lincoln, Nebraska, works individually with 65 such children in the upper elementary grades teaching them basic reading and cursive writing. "Teaching a seventh grader to read is not the same as teaching first grade," she said. "He's gone without for too long."

In Norfolk, Virginia, a retired California couple is working with the Southeastern Tidewater Opportunity Program. Dwight Rugh, 67, served as a trustee representative of Yale University in China and on the staff of the College of Idaho. Now, as a VISTA, he is training local poverty workers. Mrs. Rugh, who taught in China and Taiwan, teaches remedial reading and assists the coordinator of the Head Start program. She conducts orientation classes for new teachers and has developed a mobile child care center.

Throughout the US former teachers are helping minority group youngsters bring themselves up to the level of their peers and helping their parents compete in the job market. Grace Anderson Howes, a retired elementary school principal from Panama, New York, Conducted classes for dropouts and adults on the Pima Maricopa Indian Reservation in Arizona.

ADULTS ARE EAGER, ANXIOUS

And on New York's Lower East Side, 81-year-old Mae Hawes, a former college math teacher with an MA from Columbia Teachers' College, teaches fundamental language skills to Puerto Rican adults who find themselves outstripped by their own children. Miss Hawes, a former government consultant and a pioneer in the field of adult education, says, "Adults are so eager, hungry, and anxious to learn. They devour every word and they make every kind of sacrifice to come to a lesson."

Many of the more than 70 VISTA Volunteers in Job Corps Centers are former teachers. In 22 states they teach the three R's to young men and women who were bypassed by the regular channels of education.

Fletcher Low, a 74-year-old retired Dartmouth professor, who once played baseball for the Boston Braves, acts as teacher and counselor to young men in the Tremont Job Corps Center in Kentucky. In the Great Onyx Job Corps Center in Mammoth Cave, Kentucky, Orpha Stutsman, a retired high school English teacher from Illinois, teaches spelling, pronunciation, and letter writing in addition to acting as librarian and advisor. The maturity and experience of such volunteers makes their role more than purely academic. It is one of confident, tutor, and friend.

SERVICE THROUGH UNIQUE PROGRAMS

Although many teachers work directly with existing classroom programs, other volunteers set up new programs to fit local needs. In Laredo, Texas, where the mixing of Spanish and American cultures sometimes causes educational problems, two VISTAs teach in an isolated school with no plumbing or electricity. Also in Laredo, a VISTA Volunteer from Puerto Rico has started as an aide to teaching the children. A young man, whose first year in VISTA was spent advising Job Corps youths, is spending his second year as a librarian in a modern but understaffed elementary school.

In Alaska, two VISTA Volunteers have taken the class to the students. They started a "floating Head Start program" which follows inhabitants of rural communities on annual fishing expeditions. In the mountains of North Carolina, a VISTA, who is a former art teacher, loads his car with paints and easel and drives hundreds of miles a week to bring new creative experiences to youngsters in isolated communities.

In Appalachia where people live in isolated hollows far from libraries and communications which others take for granted, VISTA Volunteer Molena Tunnell, a retired Texas teacher and librarian works with the Kentucky Library Service. In a program called Home Start, she brings books to pre-school children and on Saturday takes the children to the library's story hour.

She also coordinates a group of Cumberland College students who have volunteered their time to read to the children. In the evenings, she teaches adults to read and write.

VISTA BENEFITS RETARDED CHILDREN

In West Virginia, VISTA Rita King, a 1966 graduate of Cheyney State (Teachers') College in Pennsylvania, set up the first activity center for retarded children in Boone County. Until Miss King came, such children were required to stay home out of sight. The Volunteer pointed up a need which local committees have been working on ever since. Now Boone County has a class in the public school for retarded children.

Miss King's work is part of a major program aimed at the problems of mental illness. The program, under the direction of the West Virginia Department of Mental Health, has placed over 100 VISTA Volunteers in state hospitals and rural communities; several are former teachers.

One of these, Jacqueline Tornatore, 26, left public school teaching because of a serious automobile accident. Now recovered, she is putting her classroom experience to work as an instructor of retarded children in the Colin Anderson Center in St. Marys, West Virginia.

Throughout the nation, from Alaska to Appalachia, from Harlem to Honolulu, VISTA teacher-Volunteers are finding a need for their talents. They are attacking poverty with their most effective weapon—education.

An applicant to VISTA must be at least 18 years old and a resident of the U.S. There are no maximum age limits, no special education or experience qualifications, no entrance examination. Married couples are eligible if they serve together and have no dependents under 18.

During their year of service and six weeks of training, Volunteers receive living expenses for food, travel, housing, medical care, and incidentals. At the end of a year they receive $50 for each month of service.

LYNDON B. JOHNSON OPENS THE WHITE HOUSE TO THE WORLD

Mr. McGEE. Mr. President, never before in recent times has a President of the United States opened the doors of the White House to so many distinguished leaders from abroad.

Never before has a President of the United States welcomed so many of America's friends to Washington.

I invite the attention of the Senate and the American people to the continuous and unheralded effort which President Johnson has made since his first days in office to acquaint foreign chiefs of state and foreign heads of government with the Government, people, and policies of the United States.

In a world often filled with distrust and misunderstanding, it is refreshing and reassuring to see our President often conduct foreign affairs on a face to face, personalized basis.

A perfect example was the highly successful visit of the President of Mexico to Washington last week and the overwhelming reception received by President Johnson when he visited Mexico.

From mid-July to October of this year, President Johnson received almost 20 chiefs of state or heads of government at the White House. These included such personages as the President of Rwanoa, the Shah of Iran, the President of Italy, the Prime Minister of Singapore, the President of Mexico, and many, many others.

From the month he became President in 1963, Lyndon B. Johnson has received more than 225 chiefs of state or heads of government in 4 years—a record, I believe, unequaled in our history.

These are not statistics I am reciting. These are leaders of proud independent nations. Some of them are traditional friends. Some of them are new friends. Some of them are unalined. But all of them are essential in a world where the word, the thought and the deed of the United States must be understood by friend and foe alike.

At the proper moment it would be fitting for the Senate to recognize the diplomatic diligence of President Johnson and congratulate him on a job well done.

Lyndon B. Johnson has indeed opened the White House and our country to the leaders and people of the world.

THE EXPORTATION OF LOGS FROM PACIFIC NORTHWEST TO JAPAN

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a series of four newspaper articles published recently in the Oregonian, of Portland, Oreg., relating to the export of logs from the Pacific Northwest to Japan. The articles were written by Gerry Pratt, business editor of the Oregonian. Mr. Pratt has been a well known and distinguished journalist in Oregon for more than 10 years and has followed the log export problem with the utmost care.

His articles call the public's attention to a problem which besets the Pacific Northwest economy—a problem of dwindling jobs in lumber mills. The layoffs have been caused—in part—by the export of logs to Japan. For more than a year I have recommended that the best interests of the Pacific Northwest and Japan will be served by resolution of the problem through an international conference.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Oregonian, Portland, Oreg., Oct. 24, 1967]

MAKING THE DOLLAR: NOW PEOPLE LISTEN TO LOG EXPORT PLEA

(By Gerry Pratt)

The witness before the subcommittee on the "Impact of Imports and Exports on American Employment" is testifying on the export of logs to Japan. John Dent, the congressman from Pennsylvania, is in the chair for the absent Adam Clayton Powell.

"Through their intermediary buyers the Japanese have run log prices up to levels that we can meet only by sustaining substantial losses in our operations," the Western mill operator says.

"There have been a number of mills forced to close; their inability to meet price levels that the Japanese are willing to pay contributed to their closure and subsequent loss of empoyment."

"And if the Japanese program continues, as it appears likely, then we are in truth exporting American jobs to Japan. I cannot believe that it was for this purpose that Theodore Roosevelt and Gifford Pinchot created the national forest system and introduced America to the conservation and prudent use of its renewable wood resources," he says.

That was January 5, 1962. The witness was Robert F. Dwyer who admits today: "Nobody was listening much either."

Dwyer was recalling the opening battles in five years of fighting to stop the export of American logs to Japan, a war without a victory for the American timber operators.

PROBLEM MOST IMPORTANT

Congressman Al Ullman dug up the Dwyer testimony recently in preparing materials to do battle once again for regulations on the export of American logs such as they have in Canada, which is exporting 40 million feet a month of finished lumber to Japan but no logs.

For Dwyer, who was intent on preserving the economic base of his family-held Dwyer Lumber and Plywood Co., at that time, things have changed. The Dwyers sold out their biggest production. And since then Dwyer himself has been named vice chairman of the National Export Expansion Council and charged by the President to develop American sales abroad. He admits:

"We need those Japanese dollars to keep our balance of trade. We have to talk with the thought in mind that they are also our biggest dollar buyer of American wheat, important to the West."

But has he changed his mind on log exports?

"To me," he replies, "the most important economic problem in the Northwest was and still is the Japanese log exports.

"We were exporting less than 100 million feet a year when I was testifying in 1962. Today we are exporting 1.8 billion feet a year, 18 times the volume I was worried about when very few people were listening."

IN POSITION OF INFLUENCE

Ironically, Dwyer today is one of the men who is in position to influence the administration's thinking on the log problem.

Secretary of Agriculture Orville Freeman is a close personal friend and was Dwyer's house guest on his recent survey of this area and the problem. He also has powerful friends such as Larry McQuade, assistant secretary of commerce, in whose office the working of a solution must develop.

When Freeman slipped away from his public appearances on that trip to the West two weeks ago, one appointment he kept was at the secluded Odell Lake Lodge of lumbermen Nils Hult and Stub Stewart. They had asked him there to meet with Lowery Wyatt of Weyerhaeuser, a representative of International Paper Co., with Frank Gilchrist of Gilchrist Lumber, Nat Guistina and Mort Doyle of the American Wood Products Association who had flown from Washington, D.C., for the meeting, and others, all of them anxious to impress on Freeman the urgency of their problem.

Freeman had already heard the lumber and sawmill workers and their union leaders tell of a loss of 1,800 jobs between Eugene and Portland alone this year and of an overall loss of 10,000 industry jobs through the past year and a half.

He told the meeting, "I want you to know Dwyer is one of my advisers on this matter." And after he left, Dwyer says now, it was obvious, "they got across their point of urgency.

"The secretary is now aware that if something isn't done to limit the export of logs to Japan the price they bid will close a tremendous number of plants in the next 12 months. Unless it is done fast, in the next six to 12 months at the maximum, we are going to be hurt badly."

CONFERENCE HIS OBJECTIVE

"Freeman's work as the secretary of agriculture has him working to keep people in the farming communities, to take the pressure off the surge to the cities. He knows we have 80 percent of the population living on six per cent of the land area," Dwyer says.

"We pointed out to him that every time we close a mill in one of these small timber communities the town (people) moves into an urban area. He was receptive to this too."

And while no one gave him a solution, a ready solution, Dwyer says Freeman has as his objective "getting the Japanese government to the conference table on the problem."

How soon?

"Before the first of the year," he replies.

"It is reasonable for Freeman, who has under his authority the largest marketable timber resource in the world, to know what the Japanese projections are. He has the authority to restrict the export of government timber by decree if he chose to do so. So I would expect the Japanese to respond."

The immediate outlook then?

"At the current rate of exports they will take two billion feet of American logs this year. That is at least 25 per cent of the production from the areas affected," Dwyer maintains.

"If it keeps up, by 1975 there will be ten to 15 major companies and the Japanese left in our forests—nobody else—not a single independent. The administration doesn't want this and Freeman doesn't want it any more than we do. This time," he says, "I think someone is listening."

LOG EXPORTS TO JAPAN CAUSE NORTHWEST LAYOFFS

(By Gerry Pratt)

In a speech in Tacoma recently H. R. Josephson, director of the division of forest economics and marketing research for the Forest Service of the United States Department of Agriculture, Washington, D.C., said:

"As yet there appear to be no sizable impacts of log exports on the pulp and paper industry of the region nor on the plywood industry."

And at Longview Tuesday 90 men went home from their jobs at Exeter Lumber Sales Mill, unemployed. Laid off.

And at Creswell, Oregon, this week another 60 in the veneer plant and 15 loggers went home, laid off.

And at the mouth of the Columbia River, Elmer Brown of Astoria Plywood, chairman of the newly organized Survival Committee of the Forest Products Industry, looked out his office window and complained: "There are three ships tied up in the river right now waiting for a birth to load logs for Japan. We are going to need a lot of help."

Stand Rose, president and owner of Exeter Lumber Co., at Longview that employed 350 people in 1965 and now has a payroll of 135, had not heard of the Forest Service's Tacoma speech when he explained the layoffs in his plant this week.

"We are being forced to shutdown our last operation in Cowlitz County to one shift because of the drastic log shortage. The inevitable has arrived. We have known since 1961 the time would come when the sale of logs to Japan would destroy the small operator," he says.

YOU GO CRAZY

"The Raymond and Aberdeen, Wash., mills are already on a one-shift basis. I would not say this is progress."

Rose's dilemma is the same facing most timber operators. "There is about a $40 spread in domestic and export log prices at this time," he says.

"My cold deck out here has already been sorted for export logs once. Still, the Japanese came in here and offered me seventy-five bucks a thousand to take the whole damn deck and not even look at the logs. International Paper will give me $85 a thousand if I sort them and they will pay the loading and hauling to the Port of Longview for export.

"You go crazy," Rose contends. "They are $51 or $52 a thousand logs. The stack is 6.5 million feet."

His problem? To run those logs through his mill, his lumber sale price, finished with all the labor and plant costs wrapped in, is $5 or more less than the Japanese are offering for the naked logs. "Why stay in business?

"You cannot afford to run a sawmill," he says. "In 1975 at this rate there won't be a private sawmill in business. Let Uncle (Sam) wince when he can't find a bidder for his timber sales except the big operators and the Japanese."

At Creswell, Oregon, Jack Brandis admitted he is closing his veneer plant because of the spread in log prices and the finished product.

"Veneer was selling at $10 a thousand on a one-tenth (thickness) basis a month ago. Today it is selling for $8 a thousand," says Brandis. On a log scale basis, that means you are getting $18.75 a thousand less per thousand board foot measure. You would be paying, if the log price was geared to the domestic market, $18.75 a thousand less for logs than a month ago.

"But with the Japanese bidding up the price, we are facing the highest log prices in history." So 75 men go home out of work.

OTHER STORIES COME OUT

And at Astoria, where Elmer Brown is planning his industry-labor move to force someone, the Japanese or the Americans, to take a hand in the suddenly critical log situation, Brown points to the St. Regis plywood plant at Olympia.

"There you see one of the finest mills in the industry going out of business. Milton Wershow is auctioning the plant off on the 8th of Novmber at 10 a.m. And that is a beautiful mill. I was through it about a month ago. If they cannot make it there, how on earth can a little independent operator keep going?" he asks.

Why did they shut down?

"I would assume because they can convert their logs into more profitable sources in Japan," he replies.

"We have checked all over the industry. We have made two big bids in Alaska and lost out to third-party Japanese interests, one sale over 250-million feet, with another 100 million right behind it. They had a man who owns a sawmill in this area bid with Japanese money."

There are other stories suddenly coming out of the semi-secret operations files of mills that up until now were keeping their Japanese log sales quiet.

One near Independence, Oregon has just sold a substantial volume of Douglas fir logs, from eight inches up, for $87 a thousand. "At that level there isn't any mill in the country that can afford to operate a sawmill," an official close to the plant admits.

Ross Williams, the forest supervisor of the Gifford Pinchot National Forest, sent out a notice Monday to operators in his cutting circle. Williams announced there will be additional sales in the first two quarters of next year at low elevations to help replace depleted log inventories that resulted from the "the long summer forest closure."

The question, says Stan Rose on reading the Forest Service news: "How does he hope to keep the Japanese from buying?"

The solution Rose hopes for, "our only hope and salvation," he calls it, "is that these sales and others be sold on a set-aside for small business."

As for H. R. Josephson's speech, Brown at Astoria spoke for this group and the others: "I think," he said, "we can take exception to that."

JAPAN LOG EXPORTS STRAIN OREGON MILLS

(By Gerry Pratt)

Ellis Bischoff runs the three-mill Tygh Valley Timber Co., Mountain Fir Lumber Co., and the Mt. Hood Lumber Co., on Mt. Hood National Forest Timber. He estimates that in the Mt. Hood National Forest alone, Japanese log exporters are taking 40 per cent of the allowable cut, and more every day.

Bischoff, one of those who must speak carefully in his criticism of timber exports; "we have to be in it ourselves to survive," claims the Japanese are taking 80 per cent of the hemlock off Mt. Hood, 100 per cent of the noble fir and a bigger and bigger slice of the Douglas fir.

That amounts to something in the vicinity of 40 per cent of the 10-million annual allowable cut. "Up until they started taking the Douglis fir we had a chance to survive. Now if we don't do something about it . . ." and he left the words unfinished.

Bischoff is typical of the small operators who must sell to the Japanese to stay in business. One operator, who asked his name not be used, "I don't want the Japanese cutting me off," explained this way:

EXPORT PRICE PAID

"To get a sale in the government timber we have to meet the highest bid. That means we pay the export price for the hemlock and the noble fir, a price at least $10 a thousand more than we can recover out of the wood.

"To get even the Douglas fir in the sale, we have to spin off the other species to the Japanese. Running them through our mill at the prices they push us to means we lose that much, $10 a thousand or more. If they don't buy our hemlock and noble fir, we can't bid and hope to get even the leftover Douglas fir."

A Boise Cascade official speaking to a congressional group in Washington, D.C., put it bluntly recently when he said: "On the West Coast the log market is set by the Japanese."

At least one operator has complained that is true in more ways than one. If he doesn't do business with the Japanese agents in the log buying, they will run him out of the sales he needs to stay in business, he contends.

"If we didn't sell to them, they'd put their own bidder in and we wouldn't get logs," he says. "Two years ago they clobbered me on every sale we bid in the Mt. Hood Forest. Since we started selling them our logs we don't get clobbered so much. It is that simple."

Collusion?

He laughes. "The guys in Roseburg and Southern Oregon don't know what's going to happen to them yet. They just won't believe it."

LONGSHOREMEN BYPASSED

According to Bischoff, the Southern Oregon timber is already coming under the gun of log exports. He points to the proposed log exporting facility for Yaquina Bay at Newport to be built by Columbia Sound Exporters. "They will be able to run the logs to the ship side in bundles and load them with deck crews saving the longshoreman costs," says Bischoff.

"They announced they intend to start up with 45 million feet a year and go to 65 million. They will draw timber from Tillamook to the Umpqua and from the Cascades with direct truck-to-ship hauling, no rafting and re-rafting."

In a timber industry where the operating requirement of domestic mills already is more than the allowable cut, even a slight increase in the buying pressure will upset the market, Bischoff says. "When it gets up to where they take 40 per cent or more of the allowable cut as they are on Mt. Hood, it makes hungry dogs out of us and we go out of business, one at a time."

What the region must have, Bischoff contends, is an export law similar to Canada's which allows the export of surplus logs only.

Bischoff himself recognizes a sale sheet you show him from his own Mt. Fir Lumber Co.,:

"Volume—1 million feet: Length 85 percent 36 to 40 feet; very heavy logs, 40 feet; minimum 26 feet. Diameters minimum 8 inches and up, Number 3 mill and better logs. Price $87 a thousand, f.o.b. Rivergate Log Yard, Portland, Ore., net truck, Scribner, scale."

DOCUMENT RECOGNIZED

Without asking where you got the document, he acknowledges it with a nod of the head as he reads: "Payment—against invoice and Columbia River log scale certificate. Shipment—begins November—completed December—1967."

"That's ours," he says "Out of Mt. Fir Lumber. I cannot put those logs through our mill and make a profit, much less a price like this.

"How can a company that has stockholders or a mill with partners justify cutting off these sales? We get more for the logs than we can manufacturing," he says.

Still, neither Bischoff nor any of the others coming under the log squeeze likes the log export business. "It is a dead end and will put us out of manufacturing all together," Bischoff contends.

Meanwhile, even some of the Japanese log exporters are becoming concerned. Wednesday a gentleman from F. Kannematsu one of the major Japanese companies in Portland, called to complain:

"Why do you write all this about log exports? Of course I know why you have to write it," he added. "I am curious why one side is always against export."

"Why don't you write an article in support of log export? Some day I will do," he said. "But not today. I have to go to Seattle."

RISING LOG EXPORTS EMPLOYMENT THREAT

(By Gerry Pratt)

Labor, once casual about the rising rate of timber exports from Oregon and Washington to Japan, is moving into the fight, alarmed at the threat to some 75,000 jobs in Oregon and Washington.

Big labor's attitude has been that most of their members were working in the plants of the large integrated companies. They reasoned that these large companies had their own timber reserves. Besides, the log exports did employ some members of some unions.

But now two things are happening in Oregon to change that attitude fast. First, even the large integrated plants are finding it difficult to manufacture their timber when they can make more money for their stockholders by shipping the raw logs to Japan.

Second, Oregon faces a sales tax. Labor does not like that. They attribute the state's financial difficulties to the 1961 Legislature which they claim shifted the tax burden from the large timber reserves to of the state to the small home owners.

Labor's plan in the works Friday involves first a proposal to wipe out the freeporting tax shelter that allows exporters to hold their logs in the river without paying an inventory tax.

"That will help raise revenues," suggests one industry operator. "There is Astoria Plywood paying $60,000 a year in log inventory taxes and right across the Columbia River are the log exporters in Washington with their rafts not paying a thing for their inventory."

But the real clout labor will take to legislators such as Ed Whelan, the president of the Oregon State AFL–CIO concerns the tax shelter timber owners now enjoy.

COMBINED ATTACK PLANNED

Lyle Hiller, general executive board member for the Seventh District of six western states in the Pacific Northwest for the United Brotherhood of Carpenters, is one of the key men in labor moving to stop the exports and the sales tax in a combined attack.

Hiller is the chief of a union body that includes the Lumber and Sawmill Workers in Oregon, a membership in Oregon of 30,000 and in Washington State of 45,000. "The very people who are shoving this sales tax down the throats of the wage earner are the people who shifted the tax burden from timber to the home owner," he says.

"That tax shelter was passed to preserve the raw materials and encourage the conservation that would keep industry and jobs perking here in Oregon. The intent of the tax passed by the '61 Legislature was never to sustain the industry in the Japanese community. That's what it is doing now that they are exporting our logs."

Hiller says both the tax shelters of timber and the freeporting will come under fire when labor calls on Whalen next week.

Whalen, whose strength is with those most opposed to a sales tax and who carries a lot of weight in the state Legislature, is expected to be receptive, according to Hiller and those with him.

To make the fight even rougher, the labor leader says even the capital gains allowed on timber should be studied by the Legislature on a state level. In this he is joined by some independent operators who are losing their businesses because of log scarcity and high prices.

The capital gains tax rates of 25 per cent instead of the normal 50 per cent corporation tax was also allowed to encourage conservation and holding of timber, Hiller says. The intent of this law was the same as the intent of the state tax shelters for timber: To sustain the woodworking industry in this country, not to sustain Japan's sawmills.

BOAT BEING ROCKED

It is when he talks capital gains that Hiller begins to really rock the industry boat. Companies such as Georgia-Pacific and Weyerhaeuser Co., turn much of their profits on the sale of their timber. They are allowed to sell or manufacture the timber at current market prices.

If they paid $2 a thousand as some of them did or even more, they can charge the timber to their operations at today's prices the Japanese are paying.

That means whopping big capital gains. The higher the market price the bigger the capital gains, Hiller contends. "It doesn't matter so much if you are making money as an operator when you can get that big capital gains profit on your timber reserves," he says.

"In fact this is encouraging timber owners to stand with exports and is in the long run defeating the purpose it was intended for, keeping our jobs perking in Oregon and Washington."

Hiller's membership in addition to the Lumber and Sawmill Workers, includes the construction carpenters in six western states.

"It's time," he says. "I notice in a Japanese trade journal the Soviets are doing better than we are. They are stopping them. The Russians are holding down their log exports to the volume of the previous year.

"As big as the Soviet Union is, they are giving them 2 million cubic meters less a year than we are giving them right now."

THE ECONOMIC DEVELOPMENT OF TRUST TERRITORY OF PACIFIC ISLANDS

Mr. INOUYE. Mr. President, my good friend, the distinguished Senator from Montana [Mr. MANSFIELD], the majority leader, has already invited the attention of the Senate to two incisive articles published by Time magazine and the New York Times, dealing with our performance as administrators of the Trust Territory of the Pacific Islands.

Hawaii has very close ties with its neighbors in Micronesia, and my State, within the limits of its resources, is making every effort to offer cultural, technical and economic assistance to its people.

Although I am fully aware of the financial demands of the Vietnam conflict, I am compelled to express the hope that Members of the House and Senate will recognize that plans for the economic development of the Trust Territory cannot be unduly delayed by a lack of adequate funding.

Time has been on our side for many years, but time is running out.

Mr. Byron Baker, political writer for the Honolulu Star-Bulletin, recently dealt with this problem at some length. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MICRONESIA AND OUR PACIFIC STRATEGY

(NOTE.—The Star-Bulletin yesterday in reports from its Washington bureau, The New York Times and United Press International outlined the gap between Micronesian expectations and the performance of the U.S. administration of the Trust Territory of the Pacific Islands. The reports also noted the real reluctance of Micronesians to reach any early decision on their future political status. Today Star-Bulletin political writer Byron W. Baker describes in greater detail the reasons for Micronesian reluctance, the plans that the United States already is laying for surmounting it, and the reasons the move is necessary.)

(By Byron Baker)

The United States will attempt to make the Trust Territory of the Pacific Islands a permanent part of the American political framework within the next several years, mounting evidence indicates.

The move will come not later than 1972. And there are military and political reasons to expect it sooner—perhaps as early as 1969.

The war in Vietnam, the evolution of Asian politics and Red China's new nuclear potential are forcing a reevaluation of U.S. strategic requirements in the western Pacific.

The Trust Territory islands are being seen again as they were during and in the wake of World War II—as the doorway to Hawaii and the American mainland.

But the political considerations include more than a changing balance of power in Asia.

The United Nations has become increasingly insistent that such essentially colonial areas as the Trust Territory should either be independent or have a far greater measure of self-government.

None of this alters the federal establishment's goals for the Trust Territory. For some time it has been a foregone conclusion among federal agencies and congressional committees concerned with the area that the Trust Territory would ultimately be the United States'—or at least not anyone else's.

But changing conditions do lend an added sense of urgency to determining the Trust Territory's fate.

So does the straightforward consideration of winning a plebiscite in the islands.

It will be necessary to determine the sentiments of the Micronesian inhabitants of the Trust Territory. And administration officials believe they can get a more conclusive result if a plebiscite is held soon.

But winning a plebiscite is only one of a tangle of knotty problems which must be unraveled before the Trust Territory is brought into the American fold.

The islands don't belong to the United States.

They are a United Nations trusteeship, one of 11 established under articles of the United Nations Charter after the war. Their disposition is further governed by a trusteeship agreement between the United States and the United Nations.

And the Congress of Micronesia, created by order of the U.S. Secretary of the Interior in 1965, has some say in the disposition of the Trust Territory before a plebiscite is held.

Many Members of the Congress are not in nearly so great a hurry to determine the future status of the islands as is the United Nations.

During the last session of the Congress they adopted resolutions asking technical aid from the member nations of the United Nations.

The measures have been interpreted as being less a genuine request for aid than a reminder that the Micronesian Congress does have the right to communicate directly to the United Nations.

How to get around these difficulties is a matter of current discussion among federal agencies.

The Department of Interior, noting the language of the trusteeship agreement, believes it has the answer.

The agreement requires the United States to "promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the people concerned . . ."

The "as may be appropriate" wording would allow the Trust Territory to become associated with the United States under almost any formula, Interior Department suggests, provided that it is understood that any such status is transitional.

Ties between the Trust Territory and the United States then would become progressively closer, or the islands would acquire growing amounts of self-government, Interior proposes.

But the Department of State doesn't buy the idea—because it doesn't think the United Nations will.

The United Nations will expect some concrete manifestation of political change, the State Department feels.

The minimum acceptable formulas would be either status as an incorporated territory of the United States, or the right for Micronesians to elect their own governor.

In this context, giving the Trust Territory the status of an incorporated territory would signify that the islands are destined to become a state.

Because the Trust Territory islands span an ocean area larger than the United States, yet have less than 100,000 people; number over 2,000, yet include only about 100 inhabited isles, it can be expected that Congress will take a dim view of promises of Statehood.

And if the history of U.S. territorial development in the Pacific is any indicator, Congress will look equal askance at the idea of election of a Micronesian governor.

It was never allowed in Hawaii. It has not been allowed in Guam, an American possession since 1898, although the proposal now has been before Congress for several years. The subject is not even under serious discussion for American Samoa, also American for almost 70 years.

Members of the Senate and House Interior and Insular Affairs Committees feel that the United States should acquire the Trust Territory under terms suitable to the U.S. and ignore the objections.

But the State Department is unwilling to antagonize the United Nations through use of a formula unacceptable to the international body.

The debate over methods within the federal establishment cannot continue for long, however. Already pressure is mounting sharply for a disposition of the Trust Territory.

Last year the United Nations General Assembly adopted a resolution affirming the right of all dependent peoples—including Pacific islanders—to political self-determination.

The Assembly also resolved that there should be early plebiscites to determine the status of a number of dependent areas, including two of the only three U.N. trusteeships which have not achieved self-government—Nauru and New Guinea.

Nauru, a phosphate-rich, mid-ocean island, is scheduled to become independent next year.

There has been considerable discussion of a plebiscite in New Guinea by 1970.

There is a greater problem here for the United States than simply the embarrassment of espousing self-determination while retaining a colonial area.

The end of United Nations supervision of Nauru will upset the apportionment provisions of the U.N. Trusteeship Council, which oversees the administration of trusteeships.

Rather than reapportion for the sake of a reduced number of trusteeships, it is thought that the United Nations will appoint a successor agency to the Trusteeship Council.

The most prominent contender: the United Nations Committee of 24 on the Elimination of Colonialism.

In operation for some years, the Committee has been an aggressive advocate of nationhood for numerous dependent areas.

Not surprisingly, the United States is unenthusiastic about the prospect of having the committee looking over its shoulder, especially in view of the strategic nature of the Trust Territory.

This characteristic of the Micronesian islands was recognized by the United Nations, which agreed with the United States in singling out the Trust Territory as the only strategic trusteeship among the 11 such postwar dependencies.

Under this classification the United States has trained Nationalist Chinese guerrillas in the Marianas Islands, established defense communications facilities in the Caroline

Islands and built a Nike-X anti-missile base in the Marshall Islands.

And the designation is more appropriate today than at any time since the immediate post-war years.

Red China's expected acquisition of an offensive nuclear weapons capability has generated a new interest in Western Pacific real estate among American military planners.

Recently Adm. U. S. Grant Sharp made a brief inspection of Saipan in the Marianas chain.

Military officials, some of them traveling secretly, have re-evaluated the availability of land in the territory of Guam, where a long-range military buildup appears to be under way.

And Guam-based military authorities have reviewed Trust Territory security precautions with members of the Trust Territory administration.

Furthermore, the United States has invested $1 billion or more in military facilities in the area, particularly in the Marianas and the Marshalls.

With so much at stake, the Federal Government can be expected to take a tough view of the methods used to secure the Trust Territory.

One prospect is an early plebiscite which would offer a limited number of choices and rather vague wording.

Independence is not a reasonable prospect for the Trust Territory, both because of U.S. interests and the diversity and remoteness of the Micronesian islands and peoples.

It is not likely to be an alternative in a plebiscite. Not even Micronesian leaders view it as realistic.

But an undefined proposal for association with the United States could well be included. Given a Micronesian endorsement, the United States then could work out details with the Congress of Micronesia.

Such a device would effectively silence any protests the Congress of Micronesia might later wish to direct to the United Nations.

Popular endorsement of association with the United States, unclear though its nature might be, nonetheless would determine the framework within which Micronesian congressmen would have to work.

This course would hardly be popular with members of the Congress of Micronesia, even though a number of them regard permanent ties with the United States as inevitable.

Several of them have said they are reluctant to be responsible for determining the course of the peoples' political development.

Ironically, the United States probably could have avoided generating the doubts which today plague Micronesian leaders when they speculate on American motives.

Part of their uncertainty stems from the United States' own astonishingly inept administration of the Trust Territory.

It has been less than five years since the United States decided to make of the Trust Territory something more than a poorly maintained anthropological zoo.

It was 1962—fully 15 years after the United States acquired responsibility for the islands—before such workaday goals as the teaching of English, the widespread offering of secondary education and the provision of adequate facilities and personnel for good public health were even set—much less put into effect.

A world war swept across these islands two decades ago, obliterating the very considerable economic base Japan had built there. Micronesians did not launch that war. They were as much the pawns of international politics then as they are now.

Yet during more than half the time since, the United States had not even moved to restore the Trust Territory to the level of development it enjoyed under a Japanese administration.

As a consequence a whole generation of Micronesians retains almost wistful memories of the days when Japan ruled sternly, but productively, in the central Pacific.

Apologists for American rule of the Trust Territory note the very real domestic and international difficulties with which the United States was beset in the post-war years.

But the cash outlay which would have brought to Micronesia a steady progression of benefits and developments would have been a small investment had the return been the certain security of an essential strategic area.

And gradually increasing appropriations would have prepared both Micronesians and the Trust Territory administration for the sharply increased spending which now is expected to arrive in the islands with a cataclysmic impact.

Instead, real appropriations for the Trust Territory actually declined over much of the time the United States has administered the islands, even though Micronesia's population and its needs have grown rapidly.

Federal expenditures in the area are high by per capita standards, some say.

Compared to the needs of the islanders, they are but a pittance.

Only in the last five years has the American investment in Micronesia grown. It still is but a fraction of what it must be if the islands are to have any real measure of self-sufficiency.

It has been estimated that a capital investment of about $175 million will be required to give the Trust Territory the tools for economic development.

These things are well known in the committees of the U.S. Congress concerned with Pacific territories.

They are far better known in the Congress of Micronesia.

Micronesian Congressmen fear that unless federal spending speeds up before the Trust Territory becomes an American possession, development of their islands will continue to lag.

Past American performance lends justification to their skepticism. So do current events.

Within the last year the U.S. Congress boosted the authorization for federal spending in the Trust Territory, which since the early 1950s has operated under a congressionally-imposed budget ceiling.

The new spending limits allow a budget of $25 million, rising to $35 million for several years.

But Congress, ensnarled in national politics and dueling with the national Administration over federal spending, shows no signs of getting a big budget for the Trust Territory out this year.

Trust Territory administration officials are confident of eventually getting the money.

But they despair of predicting when.

So it is not surprising that Micronesians would like to see a greater American commitment in the Trust Territory before there is any Micronesian commitment.

Their wishes probably will not be fully respected. The United States can be expected to push for an early plebiscite in the Trust Territory, on the theory that a solid endorsement of the United States can be won for the next several years.

It is a good theory. Given the greater education and prosperity the years should bring, Micronesians might express their desires more forcefully. The passage of time could strengthen the positions of such organizations as the United Nations Committee of 24, as well as rendering the United States' position progressively less satisfactory.

Deferring a plebiscite could well mean gaining an inconclusive result.

But as the United States moves to safeguard the national interest, it must recognize that there are strings attached.

The cost of securing the central Pacific is the fulfillment of the ideals and ambitions of the peoples of Micronesia.

THE RIGHT OF PRIVACY

Mr. LONG of Missouri. Mr. President, there recently came to my attention an excellent article on privacy, published in the summer 1967 issue of Judaism. The article, "The Fourth Amendment and Its Equivalent in the Halachah," was written by Rabbi Norman Lamm.

Rabbi Lamm traces the right of privacy back to Biblical thought and law. The article is most interesting and informative.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FOURTH AMENDMENT AND ITS EQUIVALENT IN THE HALACHAH

(By Norman Lamm)

The question of privacy in contemporary American society is a subtle and enormously complex legal problem, and one which also entails fundamental moral and ethical dimensions. The social and political implications of the new surveillance technology and the enormity of the threat it poses to the dignity and liberty of the American citizen have been aptly described in *The Intruders*, by Senator Edward V. Long, who heads the Senate Sub-Committee which has been investigating its abuses. The book's exposé of the sophisticated, cheap, and easily accessible gadgets designed to destroy personal and corporate privacy should leave no doubts in our minds as to the magnitude of the problem. It is as a result of this gradual erosion of privacy, to a large extent by law-enforcement agencies, that the entire question of the legal and philosophical dimensions of privacy has entered the public forum.

As a contribution to this discussion, we shall here analyze the view of classical Judaism on privacy and show that many of the problems we are now wrestling with were treated explicitly and analytically during the last three and a half thousand years in the Jewish tradition. Our major reference shall be to Judaism's highly developed legal code, the Halachah, which was first systematized and redacted in the Mishnah (second century of the Common Era) and the Gemara (fifth century), both together comprising the Talmud.

In our country, the right of privacy first became a public issue in 1761, when James Otis, representing Boston merchants, appeared in the Superior Court of Massachusetts Bay to protest the application of the Collector of Customs to enter and search any premises with no safeguard against abuses. Although Otis lost his case, it was "the first blow for freedom from England."[1]

It is the Fourth Amendment, ratified in 1791, that is usually considered the constitutional source for the protection of privacy. The amendment reads:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fourth Amendment thus touches on the rights to privacy of the citizen, although the first case clearly recognizing privacy as a right in and of itself dates from

[1] Senator Edward V. Long, *The Intruders: The Invasion of Privacy by Government and Industry* (New York: Praeger, 1967), p. 26.

the early twentieth century,[2] and its thorough consideration by the legal profession begins with a famous law-review article by Warren and Brandeis.[3]

This right has been traced to Roman law. There are references to it in the sixth-century Justinian Code and, earlier, in the writings of Cicero. But actually its origins are more ancient, and go back to Biblical thought and law.

IN THE BIBLE

At the very beginning of the Biblical account of man, we are informed of the association of the feeling of shame, the reaction to the violation of privacy, with man's moral nature. Adam and Eve ate of the fruit of the tree of knowledge of good and evil, after which "the eyes of them both were opened, and they knew that they were naked; and they sewed fig leaves together, and made themselves girdles." [4] The need to decide between good and evil gave man self-consciousness and a sense of privacy which was affronted by his exposure. The respect for physical privacy is again alluded to in the story of Noah and Ham.[5] The abhorrence of exposure of what should remain concealed is evidenced in the Biblical idiom for illicit sexual relations: *giluy arayot*, literally, "the uncovering of nakedness." Rabbinic tradition discovers the virtue of privacy in the blessing uttered over Israel by the Gentile prophet Balaam, "And Balaam lifted up his eyes and he saw Israel dwelling tribe by tribe." [6] What is it that he saw that so inspired him? The tradition answers: he saw that the entrances to their tents were not directly opposite each other, so that one family did not visually intrude upon the privacy of the other.[7]

Even more to the point is a specific commandment in the Bible which declares a man's home a sanctuary which may not be violated by his creditors: "When thou dost lend thy neighbor any manner of loan, thou shalt not go into his house to fetch his pledge. Thou shalt stand without, and the man to whom thou didst lend shall bring forth the pledge without to thee." [8] "Thou shalt stand without" is the Biblical way of saying, "do not violate the privacy of his home." [9]

IN THE HALACHAH

The Halachah differentiates between two forms of invasion of privacy: intrusion and disclosure.[10]

The first case of intrusion concerns the Biblical law just mentioned, that of the creditor desiring to seize collateral from the home of the debtor. The Talmud records two opinions as to whether this prohibition applies only to ordinary citizens acting on their own or also to the representative of the court; it decides that even the court officer may not invade the premises of the borrower to seize collateral.[11] The courts are thus not permitted any invasion of privacy denied to private citizens; the only difference between them is that only by court order may the borrower's possessions be seized forcibly outside his home.[12]

The most important contribution of the Halachah to privacy law, however, is not the problem of physical trespass but that of a more subtle form of intrusion: visual penetration of a neighbor's domain. This is termed *hezek re'iyah*, damage incurred by viewing or prying.

"VISUAL DAMAGE"

That such non-physical invasion of privacy is proscribed we learn from the Mishnah which prohibits installing windows facing the courtyard of a neighbor.[13] The question, however, is whether this prohibition is more than a moral exhortation and is legally actionable. Two contradictory opinions are recorded in the Talmud. One maintains that *hezek re'iyah* is not considered a substantial damage. The other opinion is that visual surveillance is considered a substantial damage. It is this second opinion, that holds visual penetration of privacy as tortious as actual trespass, that is accepted by the Halachah as authoritative.[14] Basically, this means that even in advance of actual privacy invasion, action may be brought to prevent such invasion from occurring. Thus, if two partners jointly acquired or inherited a tract of land, and decide to divide it and thus dissolve their partnership, each has the right to demand that the other share the expense of erecting a fence at least four cubits high, i.e., high enough to prevent each from spying on the other and thus violating his privacy.

Interestingly, the Halachah does not simply permit one of the erstwhile partners to build a fence for his own protection, and then require his neighbor to share the expense because he, too, is a beneficiary, but demands the construction of the wall so that each prevents *himself* from spying on his neighbor. Thus, R. Nachman said in the name of Samuel that if a man's roof adjoins his neighbor's courtyard—i.e., the two properties are on an incline, so that the roof of one is approximately on level with the yard of the other—the owner of the roof must construct a parapet four cubits high.[15] In those days, most activity took place in the courtyard, whereas the roof was seldom used. Hence, without the obstruction between them, the owner of the roof could see all that occurs in his neighbor's courtyard and thus deprive him of his privacy. This viewing is regarded as substantial damage as if he had physically invaded his premises. Therefore, it is incumbent upon the owner of the roof to construct the wall and bear all the expenses, and so avoid damaging his neighbor by denying him his p.ivacy. It is thus not the potentially aggrieved party, who would benefit from the wall, who has to pay for it, but the one who threatens to perform the instrusion.

Thus, the Halachah insists upon the responsibility of each individual not to put himself into a position where he can pry into his neighbor's personal domain, and this responsibility can be enforced by the courts.[16]

It should be added that while the discussion in the Talmud concerns visual access to a neighbor's domain, the principle may be expanded to cover eavesdropping as well. Thus, one prominent medieval commentator, R. Menahem Meiri,[17] decides that while we must guard against *hezek re'iyah*, visual surveillance, we need not worry about *hezek shemiyah*, aural surveillance. Hence, the wall the partners can demand of each other must be solid enough to prevent over*looking* each other's affairs, but need not be so strong that it prevents over*hearing* each other's conversations. But the reason Meiri gives is not that eavesdropping is any less heinous than spying is an invasion of privacy, but that people normally speak softly when they think they will be overhead. Where this reason does not apply, such as in wiretapping or electronic "bugging," then obviously *hezek shemiyah* is as serious a violation and a damage as *hezek re'iyah*. All forms of surveillance—natural, mechanical, and electronic, visual or aural—are included in the Halachah's strictures on *hezek re'iyah*.

The gravity of non-physical intrusion is only partially evident from the fact that the Halachah regards it as tortious, in that prevention of such intrusion is legally enforceable. More important is the fact that such surveillance is considered not only as a violation of civil law, but, what is more serious in the context of Judaism, it is considered as *issur*, a religious transgression. Visual or aural invasion of privacy is thus primarily a moral offense, and the civil law and its requirement of monetary compensation is derivative from it.[18]

It is instructive, therefore, that the controversy recorded in the Talmud on *hezek re'iyah* prefigured by many centuries—indeed, almost two millenia—the two conflicting interpretations of the Fourth Amend-

---

[2] Pavesich v. New England Life Ins. Co., 122 Ga. 190, 50 S.E. 68 (1905).

[3] Warren & Brandeis, *The Right to Privacy*, 4 Harv. L. Rev. 193 (1890).

[4] *Gen.* 3:7.

[5] *Gen.* 9:20–27. See Milton R. Konvitz, *Privacy and The Law: A Philosophical Prelude*, 31 Law & Contemp. Problems 272 (1966).

[6] *Numbers* 24:2.

[7] Talmud, *Baba Batra* 60a. Thus, the end of the verse, "and the spirit of God came upon *him*" (*Nu.* 24:2) refers to Israel, not Balaam.

[8] *Deut.* 24:10, 11. However, this holds true only for civil cases. In criminal cases there is no sanctuary; thus *Ex.* 21:14.

[9] "For by entering (by force) and viewing the interior of his home, he will feel humbled and ashamed"—R. Joseph Bekhor Shor, commentary to this verse.

[10] These are two of the four categories within the concept of privacy as analyzed by Dean Prosser, *Privacy*, 48 Calif. L. R. 383 (1960).

[11] Talmud, *B. Mezia* 113 a, b. Maimonides, "Laws of Creditor and Debtor," 3:4. This prohibition applies to the case of a lender who failed to secure collateral at the time of the loan but seeks it as security now before the time of the loan has expired. When, however, the money is owed not because of a loan, but as wages or rental, entry is permitted; Baraita in *B.M.* 115a, as against *Sifre*, Maimonides, *ibid.*, 3:7. The latter category includes the return of stolen articles; commentaries to *Shulhan Aruch, Hosh. M.* 97:14. The difference is this: a loan was meant to be spent by the borrower, and hence forced entry to secure collateral is an illegitimate invasion of the privacy of his home. But articles that are stolen or wages that are withheld do not belong even temporarily to the one now in possession, and entry and seizure in such a case, therefore, outweigh the concern for and respect of privacy.

[12] Maimonides, *ibid.*, 3:4.

[13] Talmud, *B. Batra* 3:7. The Mishnah speaks only of the courtyard of partners, but its intention is to prohibit opening windows *even* into a partner's courtyard, certainly that of a stranger; so in the Gemara, *B.B.*, 59b.

[14] Talmud, *B.B.* 2d, 3a, *et passim*. Maimonides, "Laws of Neighbors," 2:14.

[15] Talmud, *B.B.* 6b.

[16] On the moral background of this law as an outgrowth of the rabbinic concept of the sanctity of the individual, see Samuel Belkin, *In His Image* (London, N.Y., Toronto: Abelard-Schuman), pp. 126–128.

[17] *Bet Ha-behira* to *B.B.*, ed. Sofer, p. 6.

[18] *Nimukei Yosef* to *B.B.*, ch. III (60a). At least one commentator has attempted to distinguish legally between the moral and monetary aspects of the offense. Thus one author (quoted in *Likkutim* to Mishnah *B.B.* 3:7, interpreting RaSHBaM) differentiates between *hezek re'iyah* as a tort and *tzeniut*, modesty, as a moral principle. In the case of the former, if the plaintiff had not complained for a period of three years during which there obtained a condition of the violation of his privacy, we assume that he has waived his rights, and his claim is dismissed; thus the law of viewing a neighbor's courtyard, where he may carry on his business. In the latter case, since we are dealing with a moral rather than a civil or proprietary right, no presumption of waiving is ever established, no matter how much time has elapsed since the protest could have been made but was not; thus the law of installing a window with direct access to the window of a neighbor.

ment to the U.S. Constitution. The theory that visual penetration cannot be considered the equivalent of physical trespass finds its spokesman in Mr. Justice Black who, in his strict interpretation of the Constitution in his dissent in *Griswold* v. *Connecticut*,[19] fails to uncover anything in the Fourth Amendment forbidding the passage of any law abridging the privacy of individuals. The opposite point of view, which considers *hezek re'iyah* as substantial damage, was expressed by Justice Brandeis[20] and, in our days, by Mr. Justice Douglas[21] and others. The decision of the Halachah resolving the dispute in the Talmud in favor of holding non-physical violation of privacy to be an actionable damage, i.e., equivalent to actual trespass, has not yet been fully adopted by the Supreme Court, which has to a large extent let the majority decision in *Olmstead* remain as the interpretation of the Fourth Amendment, while considering most questions of privacy, such as wiretapping, under Section 605 of the Federal Communications Act of 1934.[22] The Court does seem to be tending more and more to the conclusion that no physical trespass is necessary to be in violation of the Fourth Amendment,[23] but as of now the *Olmstead* decision is controlling. American law has not yet developed and accepted a right of privacy as clearly and unequivocally as has ancient Jewish law.

DISCLOSURE

The Halachah considers intrusion and disclosure as two separate instances of the violation of privacy. Interestingly, the Biblical commandment concerning forced entry by the creditor into the debtor's home to secure a pledge—a case of intrusion—is immediately preceded by the commandment to remember the plague that afflicted Miriam who was thus punished for speaking ill of Moses to their mutual brother, Aaron—a case of disclosure.[24]

The law against disclosure is usually divided into three separate parts: slander (i.e., false and defamatory information), talebearing, and gossip. The last term refers to the circulation of reports which are true; the "evil tongue" is nevertheless forbidden because it is socially disruptive, since it puts the victim in an unfavorable light. However, in its broadest and deepest sense disclosure is not so much an act of instigating social disharmony as the invasion of personal privacy. Thus, the Mishnah teaches that, after a trial presided over by more than one judge, each of them is forbidden to reveal which of the judges voted for acquittal and which for conviction.[25] The Talmud relates that the famed teacher R. Ami expelled a scholar from the academy because he revealed a report he had heard confidentially twenty-two years earlier.[26] Information received confidentially may not be disclosed even if it is not damaging or derogatory as long as the original source has not expressly released it.[27] Even if the original source subsequently revealed this information publicly, the first listener is still bound by the confidence until released[28]—a remarkable example of the ethics of information. Unauthorized disclosure, whether the original information was received by complete consent or by illegal intrusion, whether ethically or unethically, remains prohibited by the Halachah.

PROTECTION OF THE MAIL

We have discussed so far two kinds of intrusion, visual and aural. But the Peeping Tom and the eavesdropper are not the only kind of practitioners of this "dirty business," as Justice Oliver Wendell Holmes called it, with which the Halachah is concerned. Another form of invasion of privacy is reading another's mail. Letters sent through the mail are protected by the Fourth Amendment, according to a Supreme Court ruling in 1877—although a special bill had to be passed by Congress in 1965 specifically exempting the mail from the levy power of the Internal Revenue Service. In Halachah, a law protecting the privacy of mail was enacted a thousand years earlier, by R. Gershom, "The Light of the Exile"; the decree might well be older than that.[29]

POLYGRAPHS

The polygraph, or lie-detector, is not accepted by most courts in either criminal or civil proceedings; yet about 200,000 to 300,000 tests are conducted annually by government and business.[30] Although one would not normally expect so modern an invention to be treated by the Halachah, an eminent contemporary scholar, my sainted grandfather, Rabbi O. Baumol (d. 1948), has written a comprehensive responsum on the problem.[31] He points to an ancient Jewish legend which speaks of a kind of lie-detector device that was used in King Solomon's court.[32] He concludes that the polygraph may not be used to determine the credibility of witnesses in criminal cases, and may be utilized on witnesses in civil cases only where the court has good reason to suspect them of lying. (The defendant himself can never be subject to the polygraph in criminal cases, since the Halachah does not accept even voluntary confessions.)[33] However, in certain special civil cases the machine may have limited validity, but only where it is requested by the defendant.

The question turns on the concept of *hosmin*—unwarranted belligerence by the judges towards the witnesses, which results in intimidating them, and the use of the polygraph representing such intimidation.[34] The Halachah thus offers support for the hesitation of most American judges in using this device, and there is good reason not to encourage or even permit its use in government or industry, except where the employee is brought up on specific charges and where he requests its use. Under all conditions, provisions ought to be made to avoid any inference of guilt of employees who refuse to take the lie-detector test, for this is then a form of coerced self-incrimination.[35] But even under the best of conditions and with all safeguards now available, one can sympathize with Senator Long's reference to the polygraph as a "psychological blackjack" and a "dubious instrument of Inquisition."[36] This is more than an invasion of one's home or speech; it is an intrusion into the very heart and mind.

NATIONAL DATA CENTER

Certain government officials have proposed a computerized data bank which will contain all the vital data on all citizens of this country. One cannot, I believe, find any technical legal objection to this proposed National Data Center; but the whole sense of Jewish law and universal morality must reject such a plan as abhorrent. What we are confronted with is an automated "evil tongue," institutionalized gossip computerized for instant character assassination. Perhaps in the beginning, as some of its well-intentioned advocates have suggested, no confidential information will be fed into this data bank. But if the mechanism exists, then we may be sure that, by some as yet undiscovered law that issues from the depths of human and social perversity, all kinds of information will be forthcoming in an attempt to satisfy its insatiable appetite for more and more facts, regardless of their relevance, need, or accuracy. Certainly the desire for bureaucratic efficiency and technological novelty ought not to force us to create a monster that can be put to the most sinister use and that may constitute a threat to every citizen of this country.

PRIVACY AS A DUTY

The Halachah's civil law thus protects privacy even against visual and aural surveillance and other forms of non-physical trespass, and implies the legal obligation of the citizen, at his own expense, to curb his curiosity from violating his neighbor's domain of privacy.

But the Halachah comprises more than civil law; it includes a sublime moral code. And its legal limit on voyeurism is matched by its ethical curb on the citizen's potential exhibitionism. It regards privacy not only as a *legal right* but also as a *moral duty*. We are bidden to protect our own privacy from the eyes and ears of our neighbors. The Talmud[37] quotes Rav as pointing out a contradiction between two verses. David says, "Happy is he whose transgression is concealed, whose sin is covered,"[38] whereas Solomon states, "He that covereth his transgressions shall not prosper."[39] One of the two solutions offered by the Talmud is that David discourages the revealing of sins not publicly known; here the atonement should be pursued privately only between man and God. Solomon, however, encourages the public acknowledgement of sins that are already widely known. What is not known to others I may not reveal about myself. A man has the moral duty to protect his own privacy, to safeguard his own intimacies from the inquisitiveness of his neighbors.[40] The Talmud records an opinion that once a man has confessed his sins to God on the Day of Atonement, he should not confess them again on the following Yom Kippur—and ap-

---

[19] 381 U.S. 479, 507 (1965).

[20] In his law review article, *supra*, n. 3, and his dissent in Olmstead v. United States, 277 U.S. 438, 471 (1928). "What was truly creative was their (Warren-Brandeis) insistence that privacy—the right to be let alone—was an interest that man should be able to assert directly and not derivatively from his efforts to protect other interests" (William M. Beaney, *The Right to Privacy and American Law*, 31 Law & Contemporary Problems, 257). In the case of visual and aural violation of privacy, as we have seen, the Halachah had already established this right as non-derivative; on other forms of intrusion, see later.

[21] Groswold v. Connecticut, 381 U.S., 483–85, *et passim*.

[22] Yet according to the interpretation of Attorney General Jackson, in a letter to Congress in 1941, Sec. 605 does not forbid wiretapping as such but only the divulging of the contents of such eavesdropping. This doctrine is still held by the Justice Department to this day.

[23] Alan F. Westin, *Science, Privacy & Freedom: Issues & Proposals for the 1970's*, 66 Colum. L. R. 1239–1247 (1966).

[24] *Deut.* 24:8–9, referring to *Nu.* 12:1–15. Rabbinic tradition thus associates the ailment of *tzaraat* (mistranslated as leprosy) with slander and gossip.

[25] Talmud, *Sanhedrin* 3:7.

[26] Talmud, *Sanhedrin* 31a. Cf. *Mahatzit ha-Shekkel* to *Sh. A., Orah Hayyim* 156.

[27] Talmud, *Yoma*, 4b.

[28] *Magen Abraham* to *Sh. A., Or. H.* 156:2; *Hafetz Hayyim*, 10:6.

[29] Louis Finkelstein, *Jewish Self-Government in the Middle Ages*, pp. 171 ff., 178, 189.

[30] Long *op. cit.* p. 159.

[31] *Emek Halakhah* (New York: 1948), II, No. 14.

[32] *Yalkut Shimoni* to *Esther*, 1:1046.

[33] See my "Fifth Amendment and Its Equivalent in the Halachah," JUDAISM (Winter, 1956), reprinted in *The Decalogue Journal* (1967).

[34] Talmud, *Sanhedrin* 32a, b.

[35] Cf. Garrity v. New Jersey, 17 L. Ed. 2nd 562 (1967).

[36] Long, *op. cit.* p. 220.

[37] Talmud, *Yoma*, 86b.

[38] *Psalms* 32:1, according to Rabbinic interpretation.

[39] *Proverbs* 28:13.

[40] Talmud, *Yoma*, 86b.

plies to one who does so the verse, "as a dog that returneth to his vomit."[41] These are strong words, and they reveal to us the contempt of the Rabbis of the Talmud for the indignity inherent in the loss of privacy—even one's own privacy, and even before his Maker only.

That it should be necessary to exhort people to protect their own privacy may seem astounding, yet never was it more relevant than today. For as contemporary society becomes more complex, as people become more intertwined with each other, and with increasing urbanization, privacy becomes more and more precarious.[42] Electronic intrusionism has now been developed to a high art and constitutes a grave menace to society. Technologically, man now has the ability to destroy privacy completely and forever. Yet despite this danger, which the Sub-committee on Administrative Practice and Procedure of the Senate Judiciary Committee has done so much to expose, the public does not seem to be overly exercised. There does not seem to be enough indignation over the fact that even the President and Senators and other leaders of the nation feel that their offices are being bugged, and that surveillance technology now threatens to strip every potential victim of his very selfhood without even a psychological fig leaf to cover his moral nakedness. We seem to have become conditioned by the psychiatrist's couch to accept the baring of our souls to anyone who is interested in us. We are, as someone once put it, the Generation of the Picture Window, who desire as much that others look into us as that we look out at them. It is thus imperative that the concept of privacy as an urgent moral duty be brought home to our people.

THEOLOGICAL BACKGROUND

The Halachah's legal and moral doctrines of privacy can be shown to be based upon certain fundamental theological considerations. The Bible teaches that man was created in the image of God,[43] by which is meant that the creature in some measure resembles the Creator, and which implies the need by man to imitate God: "as He is compassionate and gracious, so must you be compassionate and gracious."[44] Now both the Jewish philosophic and mystical traditions speak of two aspects of the Divinity: one is the relatedness of God to man, His knowability; and second, His Essence and absoluteness in which He infinitely transcends and remains forever unknown to man. These two areas of "light" and "darkness," the two zones of disclosure and concealment, of revelation and mystery, coexist within God without contradiction.[45] The unknowable Essence or Absoluteness is the inner boundary of God's privacy. In His resistance to and limitation of man's theological curiosity and metaphysical incursions,[46] God asserts His exclusive divine privacy. Even Moses may not gaze upon the Source of the voice that addresses him.[47] The Mishnah declares that one who is disrespectful of the divine dignity by seeking to penetrate into divine mysteries beyond his ken, it were better had he not been born.[48] "Dignity" (*kavod*) is thus a correlative of privacy.

But if this is true of the Creator, it is true of His human creature as well. As God reveals and conceals, so man discloses and withholds. As concealment is an aspect of divine privacy, so is it the expression of human privacy: the desire to remain unknown, puzzling, enigmatic, a mystery. Judaism does not absolutize privacy; taken to an extreme, it results in the total isolation of man and transforms him into a closed monad. Without any communication or self-revelation, he must suffer veritable social, psychological, and spiritual death. But the other extreme, unlimited communication and the end of privacy, leave man totally depleted of self—again death.[49] For both God and man, therefore, in that they share the character of personality, there must be a tension and balance between privacy and communication, between concealment and disclosure, between self-revelation and self-restraint.

This sense of privacy may be referred to the ethical quality of *tzeniut*, which usually is translated as "modesty." But *tzeniut* means more than modesty in the moral or sexual sense. By extension, the term comprehends respect for the inviolability of the personal privacy of an individual, whether oneself or another, which is another way of saying, respect for the integrity of the self. Man is fundamentally inscrutable in that, according to Judaism, he is more than just *natura* but also *persona*: he is possessed of a mysterious, vital center of personality which transcends the sum of his natural physiological and psychological properties. But not only *is* he mysterious, he also *should* be, and the extension of this free and undetermined center of personality constitutes the boundaries of his selfhood and hence his privacy. It is this privacy which we are called upon to acknowledge as an act of *tzeniut*.

"It hath been told thee, O man," says the prophet Micah,[50] "what is good and what the Lord doth require of thee: only to do justly, and to love mercy, and to walk *humbly* with thy God." The Hebrew for "walk humbly" is *hatzneia lekhet*, the first word deriving from the same root as *tzeniut*. Man must tread the path of reverent privacy "with thy God"—for it is from Him that we learn this form of conduct and Whom we imitate in practicing it.

So sacred is this center of privacy in man that even God does not permit Himself to tamper with it; that is the meaning of the freedom of the will, the moral autonomy of man. And that is why God's "hardening of Pharaoh's heart"[51] became an ethical and philosophic problem for Rabbinic exegesis of the Bible. Certainly, then, it is criminal for man to attempt such thought-control, even if benevolent.

CONCLUSION

Indeed, it is personality itself which is at stake. *Persona* meant, originally, a mask. We change masks as we react to different stimuli and encounters, and the sum of these poses and postures is our personality. The *persona* or mask is the mode of our self-disclosure, the highly meaningful medium of our communication to the outside world. Without it we are both naked and dumb. In the absence of privacy we are stripped of such masks, and this process leads, ultimately, to the extinction of personality. Unfortunately, therefore, the current affronts to privacy harmonize with the trend towards the depersonalization of life in contemporary society.

In sum, we have seen that Judaism asserts that man, in imitation of God, possesses an inviolate core of personality, and that privacy constitutes the protection of this personality core from the inroads of society and the state. The earliest legislation on privacy goes back to the Bible. In the Halachah, which underwent its most creative development between 2000 and 1500 years ago, the right of privacy was legally secured in a manner more advanced than that which prevails in contemporary Constitutional law: non-physical intrusion was considered the equivalent of actual trespass. The Halachah's concept of privacy covers both intrusion and disclosure, visual and aural surveillance, tampering with the mails, and, to the largest extent, the use of the polygraph. The spirit of Jewish law rejects the idea of a national data bank. It is understood that in all these instances, the right to privacy is not absolute;[52] for instance, such rights would automatically be suspended where there exists a grave threat to national security.[53] But privacy is more than a legal right; there is also a moral duty for man to protect his own privacy.

The legislation proposed by the Sub-committee on Administrative Practice and Procedure promises significantly to advance the law safeguarding privacy from the threat of constant attrition and encroachment. Just as important, the hearings themselves have contributed to strengthening Americans in their moral responsibility to defend the integrity of their privacy. Congress, of course, cannot legislate moral duties. But in the prominence it gives to the various immoral affronts to human dignity it performs a vital educative function. Perhaps the scientific community can be encouraged to use technology itself to protect us from the consequences of technology. Part of the same brainpower that has gone into the creation of anti-missile missiles might help us achieve an anti-gadget gadget that will provide us with an electronic cure for an electronic ailment.

In a famous passage, the teachers of the Mishnah counseled man on how to avoid sin. They said, "Know what is above you: a seeing eye, a hearing ear, and a book in which all your deeds are recorded."[54] For moderns, who have become the easy victims of both the sinister designs of the professionals of intrusion and the frivolous self-indulgence of the amateurs, that sage advice should be paraphrased to counsel us on how to avoid the breakdown of our privacy: "Know at all times what is above you and below you, in front of you and in back of you: a seeing eye and a hearing ear—not of God, but of man's electronic gadgets—and a magnetic tape on when all your words are recorded." That awareness and that sensitivity are the moral and psychological background for successful legislation and for future interpretations of the Fourth Amendment by the Supreme Court.

When such legislation and constitutional interpretation will be forthcoming, it will have been largely anticipated by Jewish law.

---

[41] *Proverbs* 26:11.

[42] Perceptive observers have seen in the characteristic impersonality and anonymity of apartment house dwellers in our great urban centers a vital defense mechanism against the encroachments on their privacy. See, for instance, the discussion in Harvey Cox, *The Secular City*, pp. 29–46.

[43] *Gen.* 1:26, 27.

[44] *Mekhilta* to *Beshalah*, 3; *Sab.* 133b. Most of Jewish ethics is predicated on this idea of *imitatio Dei*.

[45] Thus Talmud, *Hag.* 12b. 13a, reconciling *Ps.* 18:12 and *Dan.* 2:22.

[46] "In what is wondrous for thee thou shalt not inquire, and in what is hidden from thee thou shalt not seek"—Ben Sira.

[47] *Ex.* 3:6.

[48] *Hag.* 2:1, according to Jerusalem Talmud (*Hag.* 2:1–8b) which considers the two items in the Mishnah, theosophic overreaching and offense against the dignity of God, as one.

[49] The same holds true, *mutatis mutandis*, of our conception of God. Denial of either of these poles results in a denial of personality to God. Belief in an uncommunicative, deistic God is, as Schopenhauer put it, a polite atheism. And the assertion of a God who has dispossessed Himself of His transcendence, who has exhausted and dissipated His privacy, is a rather impolite atheism—the atheology of those who proclaim that His life has come to an end.

[50] *Micah* 6:8.

[51] *Ex.* 4:21, 7:3, *et passim*.

[52] On the rights of privacy versus the claims of history, see my "The Private Lives of Public Figures," *Jewish Life* (Jan.–Feb., 1967), pp. 7–10, 15, 16.

[53] See, for instance, Maimonides, "Laws of Sanhedrin," 18:6, "Laws of Kings," 3:8, 10; 4:1, *et passim*.

[54] *Avot* 2:1.

"Observe therefore and do them; for this is your wisdom and understanding in the sight of the peoples, that when they hear all these statutes shall say, 'Surely this great nation is a wise and understanding people'" (*Deut.* 4:6).*

AMERICAN-FLAG SHIPS SHUN SEAWAY: TIME FOR CONGRESSIONAL ACTION

Mr. PROXMIRE. Mr. President, the optimum use of the Great Lakes-St. Lawrence Seaway maritime route—the fourth seacoast—will bring enormous benefits not only to the seaway ports, such as Buffalo and Milwaukee, but to the Nation as a whole.

The St. Lawrence Seaway has shown impressive gains in overseas traffic since its initial year of operations—1959. At that time the estimated traffic of 25 million short tons exceeded actual shipments through the seaway by 4.4 million tons. In 1966, for the first time, seaway traffic exceeded the estimate of 48 million tons by 1.2 million tons.

This year, labor-management problems on the Canadian side of the seaway may well result in a falloff in seaway progress. Nevertheless, the seaway is making great strides toward maximum usage. There are danger signs in this bright picture, however, which we must acknowledge and attempt to deal with soon if the United States is to use the seaway to its fullest.

The sad fact is that while seaway overseas traffic from American Great Lakes ports continues to increase, the U.S.-flag share of this traffic has declined drastically. Furthermore, the amount of U.S. cargo moving through the seaway is a small fraction of export goods produced in the Midwest. These two problems are intertwined. If and when additional U.S.-flag shipping into and out of the lakes increase, the shipment by water of midwestern export commodities will increase.

But let us look at the situation as it exists today. In 1966, 18 U.S.-flag overseas vessel trips were made into and out of the lakes. Thus far in 1967, 19 such trips have been made through the seaway, and one of the vessels involved was simply coming into a lake port for repairs—not for cargo.

This compares with 45 trips in 1962 and 1963 and 28 trips as long ago as 1961. Incidentally, it is interesting to note that in January of 1962 a Department of Defense report on surface movement of export cargo stated:

> The movement of cargo recognized as rate-favorable through the Great Lakes has been restricted by the lack of American flag shipping.

Yet flag shipping has actually declined since the report was made. I intend to refer to this report again later in my remarks.

The shocking fact is that from April 15 to September 30 of this year Soviet-flag ships made as many trips through the St. Lawrence Seaway as the entire U.S.-flag fleet. To be specific, during that time Russian-flag ships made 19 deepwater transits of the seaway, calling at Canadian ports, while U.S.-flag vessels made 15 commercial trips and 4 military cargo transits.

This is simply the latest in a series of indicators that show conclusively that U.S.-flag shipping is not interested in serving the heartland of the United States—in fact, is virtually abandoning the Great Lakes-St. Lawrence Seaway to foreign-flag vessels.

Is this trade route also taboo to foreign flags? Far from it. Of 952 deepwater transits of the St. Lawrence Seaway from April 15 to September 30, 933 were made by foreign flags.

But the seaway cannot contribute fully to the economy of the Midwest unless U.S.-flag shipping is increased. One of the prime purposes behind the creation of the seaway was the impetus it was expected to give to trade between Midwest industries and foreign nations. The cheaper overwater route should make the area's industrial production much more competitive in the world market. However, a lack of U.S.-flag shipping simply means a diversion of traffic overland to seacoast ports. This adds to export expenses and costs the Midwest dearly in her attempts to penetrate foreign markets.

In 1966, U.S.-flag ships carried 3.8 percent of the tonnage passing through the Montreal-Lake Ontario section of the seaway for export. Canadian-flag carriage transported 66.8 percent of this traffic and foreign-flag ships carried the remaining 29.4 percent.

There is no doubt that a lack of scheduled U.S.-flag shipping, together with cargo preference laws that discourage the use of foreign-flag ships, sharply reduces the amount of Midwest exports shipped via the seaway. In comparing Department of Commerce estimates of the Midwest's manufactured exports with the amount of general cargo shipped via the seaway, a recent study determined that only 7.7 percent of the exports produced in the Great Lakes area were shipped through the seaway. In fact, seaway general cargo tonnage declined by almost 100,000 tons in 1966 despite a general increase in seaway traffic.

A recent publication, "The Port of Milwaukee: An Economic Review," indicated that almost 69 percent by value of Wisconsin exports went by way of Atlantic coast ports while over 17 percent went through Gulf coast ports.

I do not mean to indicate that lack of U.S.-flag shipping alone accounts for the failure to ship exports through the seaway. Other factors, such as the seaway shipping season, play their part. But we must insure a more significant role for our merchant marine in the lakes if we are going to benefit both the lake ports handling exports of American goods and at the same time build a merchant marine that can serve the entire nation, including the fourth seacoast opened up by the construction of the St. Lawrence Seaway.

If steps are not taken in the very near future to alleviate the conditions that have resulted in this dreary picture, there is no doubt in my mind that Great Lakes commercial and port interests will write off the American-flag merchant fleet as a significant force in the lakes.

The Great Lakes task force, composed of representatives from such diverse groups as the International Association of Great Lakes Ports, the Great Lakes Terminals Association, and the Great Lakes Commission has already indicated in a report to our Great Lakes conference of Senators, that they would support the exemption of lakes shipping from U.S. cargo preference laws unless the situation improves.

A recent attack by American Export-Isbrandsten Lines on the capabilities of the seaway to support American-flag shipping has added to the gravity of the situation. In a letter to the Maritime Administration requesting rescission of a subsidy agreement for operation into the lakes, American Export lashed out at alleged deficiencies in the lakes with more heat than light.

What are the answers? The Great Lakes conference of Senators has proposed a three-point program which I feel should be part of any administration maritime package submitted to the Congress. The three points are:

First. An earmarking of ship construction subsidies so that at least 25 percent of the subsidy funds provided are used to build ships that can transit the seaway.

The Canadian lake fleet, boosted by Canadian Government shipbuilding subsidies, has added 25 ships, each capable of carrying 28,000 tons on a single voyage, since the St. Lawrence Seaway was opened. In stark contrast, no new U.S.-flag vessel has been constructed for Great Lakes service since 1961. Furthermore, U.S. ship construction subsidies over the past few years have uniformly been used to build vessels that are only simply too large to transit the seaway.

Midwest taxpayers contribute substantially to this subsidy program. It is wrong to ask them to support a program which refused to provide the modern types of vessel—such as containerized ships—that are essential if U.S.-flag traffic through the seaway is to be an effective force in midwestern commerce.

Second. A requirement that at least $8 million or so of the $200 million provided yearly for operation differential subsidies be set aside for U.S.-flag trips into the lakes. If the funds are not used to subsidize lake trips they would revert to the Treasury.

Under present law, operating subsidies are not set aside exclusively for shipping lines that operate into the lakes. In other words, if a company decides not to apply for a lake route subsidy, the funds do not revert to the Treasury, but are simply

*After this article was completed, the press (July 7, 1967) carried reports of a memorandum by Attorney General Ramsey Clark on new regulations limiting electronic surveillance by Federal officials. Of special relevance to my thesis is the Attorney General's statement that "although the question has not been squarely decided, there is support for the view that any electronic eavesdropping on conversations in constitutionally protected areas is a violation of the Fourth Amendment even if such surveillance is accomplished without physical trespass or entry." This interpretation accords with the view of the Halachah on the laws of privacy.—N. L.

used for a seacoast subsidy. By earmarking for the Great Lakes $8 million or so of the $200 million provided for operating subsidies by the Congress each year, we could bring U.S.-flag shipping into the lakes that otherwise would wait at the seacoast to pick up the subsidy.

Third. A set-aside of $7,500,000 of the amount provided for military cargo shipments overall to be used exclusively for military cargo shipments out of the lakes, where a great deal of this cargo originates.

The lakes find themselves with the "chicken and the egg" proposition. Without military cargo they cannot attract American-flag vessel service, and without American-flag vessel service they cannot obtain military cargo.

The 1962 report by the Department of Defense referred to earlier stated:

> Considerable savings to the U.S. government can be realized by using Great Lakes ports when additional American flag shipping becomes available.

Congress should act to make this shipping and these savings a reality by seting aside a nominal sum for military cargo shipments through the seaway.

These recommendations would cost no more than our present maritime program. They would begin to bring U.S.-flag shipping into the Great Lakes. The alternatives are: First, a takeover by foreign flags of the only shipping route that goes into the heartland of our Nation and a consequent reduction in the strength of our already inadequate merchant marine; second, the continuing shipment of Government cargoes overland to seacoast ports at added expense because of the absence of U.S.-flag vessels which, under cargo preference laws, must carry 50 percent of all Government cargoes; and third, a continuing drag on the economic health of the seaway which has only begun to operate in the black.

There are a number of other problems unique to the Great Lakes and the St. Lawrence Seaway that have an impact on the volume of maritime traffic using the seaway. I want to mention these factors briefly because, although they do not directly affect the strength of our merchant marine, they have an indirect affect by cutting back on the use of the seaway and stimulating the utilization of rail transport as a viable alternative.

Perhaps the most important of these factors is the seaway season. Ice conditions presently reduce the seaway season by 4 months. As a result, shippers of year-around cargo are faced with three alternatives: First, ship by seaway for 8 months of the year and stockpile goods at additional storage expense during the winter months; second, maintain a second relationships with seaboard shipping service for winter requirements; or, third, ship overland by rail to east or gulf coast ports on a year around basis. All too often shippers choose the last alternative.

This is especially true of general cargo. A recent Stanford Research Institute study concluded that "one-third of the general cargo service area tonnage from possible seaway routing" is eliminated by the winter closing. When we add to this estimate the further fact that each ton of general cargo passing through a port is worth $17 to $25 to the community while bulk cargo is worth $5 a ton, it is easy to see what a favorable impact extension of the seaway season would have on the economy of lake ports.

Last year Congress appropriated $30,000 for a study of the feasibility on a benefit-cost basis of keeping the seaway open through deicing techniques for a few weeks longer each year. Unfortunately, the Bureau of the Budget has not released this modest amount for expenditure. The Bureau feels that the study, which in the Bureau's words would include "broad estimates of costs and benefits," should be postponed until "better understanding of ice and snow phenomena in the Great Lakes Basin is developed." Yet a recent letter I received from the Coast Guard indicated that a study group consisting of military and civilian personnel "is considering the economic advantages and disadvantages of extending the shipping season of some east coast ports, the Great Lakes, the western rivers, and Alaska." Frankly I am at a loss to reconcile these two contradictory statements.

Virtually all of the members of the Great Lakes conference of Senators as well as a substantial group of House Members have written the Bureau of the Budget asking that the $30,000 study be undertaken soon. Some progress has been made. A recent letter from the Bureau stated:

> We will make every effort to fund the deicing study in the 1969 budget if not before.

However, I hope that your subcommittee will find the time to look into this matter in some detail in the months ahead. Significant progress in the deicing field could have a substantial impact on the Nation's maritime posture.

Legislation introduced by the Senator from Minnesota [Mr. MONDALE] is now pending before the Committee on Public Works to recapitalize the St. Lawrence Seaway. This proposal could have a very favorable impact on seaway traffic by stabilizing or lowering tolls and thus offsetting to some degree a Welland Canal lockage fee which will total $1,600 per vessel for a roundtrip by 1971.

Finally, section 22 of the Interstate Commerce Act permits railroads to charge below cost rates on the carriage of Government cargo. This has permitted the diversion of traffic that would normally travel via the seaway, to east coast ports. In my estimation, this is destructive pricing with a vengeance.The Subcommittee on Surface Transportation of the Committee on Commerce has already held hearings on proposed legislation to limit or repeal section 22. I am very hopeful that a bill will be reported by the subcommittee in the near future.

This is a brief summation of the problems and potential of the St. Lawrence Seaway together with the Great Lakes. I have offered some suggested solutions that I feel would benefit the maritime commerce of the Nation as a whole. I would be willing and eager to work at any time in a joint effort to reach equitable solutions to the many difficulties I have outlined this evening.

INSANITARY CONDITIONS IN UNREGULATED OR STATE REGULATED MEAT PLANTS

Mr. MONDALE. Mr. President, the legitimate and responsible element of the meatpacking and processing industry has suffered a black eye in recent months with disclosures of shockingly insanitary conditions in unregulated or State regulated meatplants, and the fact that certain portions of the American meatpacking industry still try to profit through the sale of diseased or unclean meat to American consumers.

Yesterday the responsible meatpacking industry suffered another black eye with disclosures by Nick Kotz in the Des Moines Register and the Minneapolis Tribune of the initiation of a political slush fund by certain meat industry officials. Those revelations can only intensify the public's impression that the meat industry is callous and corrupt.

The meat industry's sudden interest in the political careers of "friendly" Congressmen, coming at a time when Federal legislation regulating the slaughter and processing of meat sold to consumers is under consideration, can only lead to the conclusion in the public eye that this was a crass attempt to influence the Congress.

I would hope these revelations will spur responsible meatpackers to overcome the economic pressures they have been subjected to and come out in support of legislation which will once and for all put an end to this sordid situation by requiring the inspection of all meat and meat products. Continued silence or opposition at this point would raise a serious question in the minds of the American people as to why responsible inspected packers oppose inspection of their uninspected competitors.

I would also hope that those in the meatpacking industry who have for years favored across-the-board inspection will now speak out. I personally know of packing industry leaders who support the concept of requiring inspection of all meat, but who for some reason have remained silent throughout this debate. I would hope these revelations will cause them to speak up in the public interest.

I therefore strongly urge that the leaders of the American meatpacking industry come forward in support of legislation which will plug the gaping loopholes in the present meat inspection system.

I ask unanimous consent that the Kotz article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Nov. 2, 1967]

REVEAL POLITICAL FUND DRIVE BY MEAT OFFICIAL—SOUGHT GIFTS AS CONGRESS STUDIED BILL—TIMING IS SHOCKING TO LAWMAKER

(By Nick Kotz)

WASHINGTON, D.C.—The president of a major meat packing association opposed to a stong meat inspection law asked meat packing firms to contribute campaign funds to "friendly" congressmen at the same time Congress is considering the meat inspection bill.

The campaign fund-raising drive was called off at the demand of conservative congress-

men who share the meat industry's position on the legislation, but feared exposure of the fund drive would embarrass them and the meat industry, and lead to defeat of the industry supported bill.

HOUSE ACTION

The House Tuesday adopted a meat inspection bill designed to eliminate bad conditions by offering federal aid to states willing to improve their inspection systems. The House defeated, 140–98, the Smith-Foley bill, which would have expanded federal inspection to 6,000 plants now exempt because they do not sell across state lines.

The meat industry and congressmen who halted the fund campaign support the bill approved by the House and strongly opposed the tougher bill proposed by Representatives Neal Smith (Dem., Ia.) and Thomas Foley (Dem., Wash.).

The fund solicitation letter was sent Sept. 28 to an undetermined number of firms by L. Blaine Liljenquist, president and general manager of the Western States Meat Packers Association, Inc., which represents about 600 meat packing firms in Western States.

Liljenquist, writing on personal stationery, asked for contributions "ranging from $25 up to a maximum of $99." He said the funds should be sent on personal checks made out to the order of "L. B. Liljenquist, trustee, congressional campaign fund."

Liljenquist stated the funds would be distributed in amounts ranging from $50 to $300 to the campaign funds of congressmen and senators.

ELECTION FUND

He said the funds would be used to help elect or re-elect congressmen of both political parties "who are conscientiously working to accomplish the following goals."

The goals he listed were: "To preserve our free enterprise system . . . to maintain a balanced budget and to reduce the burden of federal taxes as rapidly as possible, and to encourage a political climate wherein business enterprises will continue to grow and prosper."

When W. R. (Bob) Poage (Dem., Tex.), chairman of the House Agriculture Committee, learned of the letter he fired off angry letters not only to Liljenquist, but also to leaders of the other two major trade associations—the American Meat Institute (A.M.I.) and National Independent Meat Packers Association (N.I.M.P.A.).

Poage left no doubt that he believed the fund raising letter would be construed as being connected with the controversial meat inspection legislation.

Poage, in a letter to Liljenquist, to A.M.I. President Herrell Degraff, and to others, on Oct. 6, said:

"To say that I was shocked by the contents of this letter at this time is indeed an understatement. Without raising any question of the propriety of any association to engage in legitimate political activities, I must point out that wide circulation of such a letter, no matter how well-meant, obviously endangers the standing of the whole meat industry.

DEEPLY EMBARRASSING

"Furthermore, I am sure you can see that no matter how innocent this solicitation may have been intended, it is absolutely impossible to disassociate it from the pending meat inspection legislation. It could prove to be deeply embarrassing to all members of Congress who are trying to deal honestly and objectively with the problems of the meat industry before Congress."

Poage wrote that he had conferred about the letter with three other members of Congress. Each was a key supporter of the bill passed by the House and supported by the meat industry, and opposed the Smith-Foley plan.

Those with whom Poage said he conferred are Representatives Graham Purcell (Dem., Tex.), chairman of the subcommittee which considered the meat inspection bill; Page Belcher (Rep., Okla.), ranking Republican on the Agriculture Committee; and Catherine May (Rep., Wash.), ranking Republican on the subcommittee.

Poage wrote that the three congressmen agreed with him "that this project (fund raising) should be abandoned immediately."

Poage said he had demanded that Liljenquist rescind his letter and refund any contributions, and added that he would insist no action be taken on the bill until Liljenquist replied.

OTHER ASSOCIATIONS

"I can only hope that this project has not gone so far as to bring possible discussion of the subject to your embarrassment and to the embarrassment of members of Congress."

He also asked the other two associations to send him a letter categorically repudiating the fund-raising campaign.

In another letter to Liljenquist, Poage strongly indicated that one of his principal concerns was that the fund-raising letter would be used to defeat the meat-industry bill, and to aid the Smith-Foley bill.

Wrote Poage: "I think that when you have considered it, you will recognize how this action could be misinterpreted in the hands of any self-appointed critic."

Poage wrote that he didn't want to tell any group how to run its business or politics but added that when matters concern the Agriculture Committee:

"We feel that we would like to be like Caesar's wife and we know of no way in which needed and desirable legislation can be passed as long as its passage would give those who wanted to discredit the committee the opportunity to allege that funds were being collected to buy votes of the committee at the very time a highly controversial bill is before us. The bill, of course, affects your interest and the interest of every meat packer in the United States."

OPPOSED ANY BILL

Originally, the three major meat packing associations were opposed to adoption of any meat inspection bill. However, the meat industry changed its attitude after The Register, followed by other newspapers and Ralph Nader, published Agriculture Department reports showing unsanitary conditions in hundreds of non-federally inspected plants. Then, Purcell and others convinced the industry to support the Agriculture Committee bill or face enactment of the Smith-Foley bill.

Liljenquist replied to Poage on Oct. 11. He agreed to stop the solicitation and return any funds so far collected in order to avoid "any misinterpretation of our objectives."

Liljenquist wrote that he was acting as an individual, that the funds were to be used in the 1968 campaign, and added:

"There was not any thought of relating the funds in any way to the meat inspection legislation, and no effort has ever been made, or would ever be made, to influence a vote on any measure before the Congress. We were raising funds at this time only because our 1964 fund was depleted."

FIVE HUNDRED DOLLARS RAISED

He said less than $500 had been raised this year, and about $1,800 was collected in 1964 "from individuals contributing small amounts."

Liljenquist stated that the congressional campaign fund, of which he is trustee, came into existence in 1964.

Added Liljenquist: "The funds have been used to help elect a few members of the House and Senate who are striving to balance the budget, stop inflation, and serve the best interests of our nation."

Liljenquist wrote that labor unions "have been the most active in this activity (fund raising)" and said "it is just as important that businessmen become equally concerned about the way our country is governed."

In his original letter soliciting contributions, Liljenquist wrote that he would report annually to a three-man committee. The committee members, all executives of meat packing firms, were listed as:

Douglas N. Allan, James Allan & Sons, San Francisco, Calif.; Paul Blackman, Acme Meat Co., Inc., Los Angeles, Calif.; and Wade Parker, Pacific Meat Co., Inc., Portland, Oreg.

TOLD HOW

Also in the original letter, Liljenquist gave detailed instructions how various types of firms should legally make their contributions.

For example, he wrote: "If your company is incorporated, you can make personal contributions to a political campaign fund even though the company in which you are an officer and stockholder has contracts with one or more agencies of the federal government.

"If your company is unincorporated, you should contribute to the fund only if your firm is neither negotiating nor performing a contract with any agency of the federal government at the time of your contribution."

Three officials of the American Meat Institute responded to Poage that their association was in no way involved with the fund-raising campaign. They agreed with Poage that the fund-raising letter was highly improper.

The A.M.I. officials, who share Poage's view in support of the committee bill and in opposition to the Smith-Foley plan, strongly expressed concern that the letter could endanger the bill they favor.

"STUPID ACTIVITY"

A.M.I. Vice-President Alec Davies, the organization's Washington lobbyist, wrote to Poage and described the fund-raising letter as a "most unfortunate, ill-timed and utterly stupid activity initiated by an official of a regional trade association in the meat packing industry."

Davies said further: "In the 33 years I have been in and around Washington, including my 27 years with the A.M.I., I have seldom been more amazed and shocked as I have by this matter.

"I can only hope with you that it will in the short run not endanger the passage of needed and meaningful amendments to the meat inspection act that you and your committee have recommended to the Congress.

"Those changes included in the Purcell (committee) bill are endorsed by both the American Meat Institute and other livestock and meat organizations."

A.M.I. President Degraff indicated in his Oct. 9 letter to Poage that Poage was holding up action on the bill because of the fund-raising letter.

ACTION DELAYED

It was at about this time that the House Rules Committee declined to act on the bill when most congressmen thought it would. It has been reported that Poage, for unexplained reasons, had asked the Rules Committee to delay action on the bill.

Wrote Degraff: "We in A.M.I. are distressed that the good work done thus far by the committee on agriculture should be placed in jeopardy by the thoughtless action of one person.

"Nevertheless, we feel that your decision temporarily to postpone action is a wise one inasmuch as revision of the federal meat inspection act is much too important to be decided in an atmosphere of suspicion and recrimination.

"As you know, the American Meat Institute has endorsed H.R. 12144, the Purcell bill, which has been favorably reported out of the committee. We believe it is a good

bill and one that will contribute to the ability of the meat industry to serve the public more effectively.

"We trust that developments described in your letter will not unduly hamper its consideration, but we would certainly defer to your judgment and would not wish to press for congressional action at a time when there might be an opportunity to misjudge the attitude of the meat industry generally."

GRAVE MISTAKE

Degraff said the fund campaign "was a grave mistake," even though it might have been done with no improper motive.

"Under the circumstances," said Degraff, "and considering the position of the individual [Liljenquist], one could scarcely avoid the inference that at least some segment of the meat industry was involved and that influence on pending legislation might be one of the prime objectives."

B. F. Gray, chairman of the board of A.M.I., sent a telegram to Poage repudiating the funds letter and assuring him that A.M.I. was not and would not be involved in such an endeavor since it is completely non-political and non-partisan in its activities.

A Senate Agriculture subcommittee is scheduled to hold hearings soon on the meat inspection issue.

According to informed sources, some persons in the administration and the meat industry briefly considered taking the House-passed bill directly to the Senate floor Wednesday in hopes of getting the bill approved quickly.

Such a maneuver would have headed off an opportunity for supporters of a stronger bill to build their case for full hearings.

Senator Walter Mondale (Dem., Minn.) will spearhead a drive in the Senate for approval of a stronger bill. Mondale has proposed legislation that would bring all meat packers under federal inspection, but permit individual states to continue inspection of intrastate plants if the states come up to federal standards.

Mondale said Wednesday of the House-passed bill: "It simply does not do the job of providing the American people adequate protection against the sale of diseased or contaminated meat or meat products.

"The consumer has a right to be protected against bad meat and the House-passed bill does not provide such protection."

RETIREMENT OF WARD AND DORIS ANN BOWDEN AS PUBLISHERS OF MONROE MONITOR AND SULTAN VALLEY NEWS, SNOHOMISH COUNTY, WASH.

Mr. JACKSON. Mr. President, recently Ward and Doris Ann Bowden retired as publishers of the Monroe Monitor and the Sultan Valley News, both weekly newspapers in my home Snohomish County, in Washington.

His longtime editor, Howard Voland, and Mrs. Voland have purchased the properties from the Bowdens. Besides operating his newspapers, Ward Bowden has served for many years as Secretary of the Washington State Senate.

In a recent edition of the Monitor, Howard Voland wrote an excellent editorial on the many contributions made by Ward Bowden to his communities. The editorial, Mr. President, tells much of the life of the smalltown editor and what he does to make a better life for all the citizens of his area. Highway development, a new hospital, and expansion of the big Evergreen State Fair at Monroe are just typical of the kinds of projects that Ward Bowden put his typewriter and energies to work on. The Monroe and Sultan communities are much better for the 25 years that the Bowdens gave them.

Mr. President, I am particularly pleased to present the editorial for the RECORD, as Ward Bowden is a friend of many years. He and I attended public schools together in Everett, Wash., graduating from Everett High School.

I ask unanimous consent that the editorial entitled "Your Former Publisher" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Monroe (Wash.) Monitor, Oct. 5, 1967]

YOUR FORMER PUBLISHER

With your indulgence we're going to talk about the Ward Bowden you lost as your publisher last week.

When we first met him more years ago than we like to remember he was garbed in striped union overalls, as unpretentious as our Uncle Sam slopping the hogs on his Illinois farm. Today, he is unchanged, still in his striped union overalls at times, yet in the intervening years he has risen to remarkable heights as a publisher and stands as a man of considerable stature in Washington State government.

Thinking back over the years we remember him taking eggs or honey in lieu of subscription money. We remember him chatting with the president of the United States, United States senators and many other notable men at the national and state level.

His accomplishments as an editor and publisher, along with his devoted wife, Doris Ann, have been many and varied.

We can remember his newspapers doing much to bring about completion of the Monroe-Bothell cutoff, making the Evergreen Fair what it is today and bringing to Sultan the modern district offices of the State Department of Natural Resources.

Probably his greatest single undertaking of merit was his work toward the formation of Snohomish County Hospital District No. 1.

It was Ward Bowden's idea and it was Ward Bowden's newspapers that spawned, nurtured and promoted the successful change over for Valley General Hospital. This, as well as his other endeavors of community service, stand to his lasting credit.

Ironically, not once to our knowledge in his near quarter-century as an editor and publisher has he received a single award, yet time and again lesser accomplishments have been extolled and honored. This was for one reason: his modesty never allowed him to subscribe to the philosophy that he had to (in effect) request a plaque or a certificate for the accomplishments of his newspapers.

The Ward Bowden many of you knew is a hard-nosed businessman but there was another side we saw many times. Never once, if he had knowledge, did a subscriber lose his subscription because of financial difficulties—he picked up the tab and has done it through the years.

He was an aggressive editor and publisher.

That aggressiveness cost him not once, but several times. Once he published a story that offended an advertiser. It cost him in excess of a thousand dollars. His deep-seated belief in democratic government and a free press made that decision, as well as others.

In losing him as your publisher, the valley has lost the services of the most knowledgeable man in government in the Skykomish Valley, if not Snohomish County.

All said and done, Ward Bowden is going to be missed, most especially by the guy who has inherited his publications.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION

Mr. PROXMIRE. Mr. President, I move that the Senate go into executive session.

The motion was agreed to, and the Senate proceeded to consider executive business.

SUPPLEMENTARY SLAVERY CONVENTION

Mr. PROXMIRE. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The clerk will state the business before the Senate.

The LEGISLATIVE CLERK. Executive L, 88th Congress, first session, the Supplementary Convention on the Abolition of Slavery.

The Senate resumed the consideration of the Supplementary Convention.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

DAY OF SHAME FOR U.S. SENATE

Mr. PROXMIRE. Mr. President, it seems to me, as one who has spoken on the Senate floor urging U.S. ratification of the human rights conventions more than 165 times during the first session of the 90th Congress, that is, this year, I regard the Senate's voting today on only the Supplementary Slavery Convention with distress—and I might say with deep distress—in fact, with a sense of shame for this great body.

Mr. President, this is a sad day for human rights. It is a black day for the Senate. But it is the beginning, not the end, of the fight.

Every Senator in this body is going to have a chance to go on record on these human rights conventions. At a later date, when we have had the chance to inform Members of the Senate more fully and directly what is at stake, I intend to offer as an amendment to other treaties, both the Convention on the Political Rights of Women and the Convention on Forced Labor.

Every Senator will have a chance to vote yes or no, up or down, in public on these conventions.

The Senate Foreign Relations Committee has had more than ample opportunity to make a record on these conventions. Indeed, both these conventions—Political Rights of Women and Forced Labor—have been before the committee for over 51 months.

A special subcommittee was appointed to hold hearings on these three human rights conventions. The subcommittee did hold hearings and reported favorably all three conventions to the full committee. As I have done before, I commend the subcommittee, under the able leadership of Senator DODD, for its prompt and responsible action.

But now this is a fight which can only be made in this body, because, as is well

known, the Foreign Relations Committee did not report two of the three conventions. The President has publicly expressed his support of these conventions. He has discharged his responsibility. Our distinguished Ambassador to the United Nations, Arthur Goldberg, has fervently pleaded for these conventions. Only the U.S. Senate—only this body—stands in the way. The fight must be made here. The fight will be made here, and for as long as it takes.

I am pleased that the Senate by its vote today will at least endorse the principle of U.S. participation in an international treaty to establish human rights by approving the Supplementary Convention on Slavery. This is something. But considering the profound human rights record of this Nation, the heavy responsibility of this Nation to the United Nations, and the plea for so much more from President Kennedy when he submitted these conventions to the Senate more than 4 years ago, what the Senate will not do today—by not giving its advice and consent to the Conventions on Forced Labor and Political Rights of Women—is a disgrace, a disgrace to the Nation and to the U.S. Senate.

I think we should also keep in mind how tardy the action of the Senate is. We should recall the fact that we are one of a small group of nations, one of the very few nations in the entire world, who up until this moment has not ratified a single human rights convention.

Consider: The Human Rights Conventions on Forced Labor and Political Rights of Women were rejected by the Foreign Relations Committee. Officially, the further consideration of these two conventions was merely tabled by the full committee. But let us state the case openly: the committee's vote to table, after a favorable report from the Dodd subcommittee, effectively kills for the foreseeable future the possibility of affirmative committee action. This is why I intend to bring it to the floor. The Supplementary Slavery Convention is undeniably the least controversial of all the human rights conventions. In fact, this convention is called supplementary, because it is merely a postscript to the Slavery Convention signed by the United States during the administration of President Coolidge and ratified during the administration of President Hoover.

So we are not being as liberal or going quite as far as President Coolidge or President Hoover went. This is how far the Foreign Relations Committee has decided to go.

I frankly question whether the Senate's granting its advice and consent to a Convention on Slavery today, 102 years after the adoption of the 13th amendment, qualifies as either a bold departure or a historic act.

The failure of the Senate to approve the Conventions on Forced Labor and Political Rights of Women clearly constitutes a callous repudiation of President John F. Kennedy. President Kennedy sought the advice and consent of the Senate to the human rights conventions July 22, 1963, in an eloquent message to this body. He said of these conventions at that time:

> They will stand as a sharp reminder of world opinion to all who may seek to violate the human rights they define. They also serve as a continuous commitment to respect these rights. There is no society so advanced that it no longer needs periodic commitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

President John Kennedy believed devoutly that human rights and peace are intimately related and historically interdependent. He stated this relationship so very well in his magnificent American University speech when he asked, "And is not peace, in the last analysis, basically a matter of human rights?"

Mr. President, the rights which are the subject matter of these human rights conventions are constitutionally guaranteed to every citizen of this Nation. Why do we need to ratify these treaties—on forced labor and political rights of women—which affirm far less than what every American has as his birthright?

Twice in the lifetime of many of us the United States has been forced into world wars. Twice we watched helplessly while unchecked domestic oppression grew into unprovoked foreign aggression. Aggression in recent history has been almost the exclusive practice of those regimes which first deprived their own citizens of basic human freedoms.

The conclusion is inescapable. Where human rights are secure, peace is attendant. When the human rights of any people are threatened, peace itself is threatened.

The United Nations was founded to promote the cause of universal human rights and world peace. The United Nations was born at San Francisco in the United States in 1945 and has had its home in the United States at New York since 1950.

For 22 years, the people of the United States have given generously of their energies and their resources to sustain the United Nations. A great majority of the American people believe in the United Nations. A great majority of the American people, and I among them, believe that the United Nations serves the interest of the United States and all mankind, because the United Nations serves the cause of world peace.

Let us look at the Charter of the United Nations which was approved 22 years ago in this very chamber by the overwhelming vote of 89 to 2.

Article 55 of the U.N. Charter states clearly it is the duty of the United Nations to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." In article 56, all members of the United Nations "pledge themselves to take joint and separate action in cooperation with the organization for the achievement of the purposes set forth in article 55." I say right now that the U.S. Senate is guilty of reneging on the solemn promise this Nation made 22 years ago when we helped to found the United Nations.

Have we forgotten in the short space of 22 years the bitter lesson of World War II? Have we really failed to learn that human rights are not simply a matter of state law or royal edict that human rights are inherent and cannot be alternately granted or grabbed at some despot's whim?

Was Hegel right when he cynically wrote:

> Peoples and governments have never learned anything from history, or acted on principles deduced from it?

The Senate today appears bound and determined to vindicate his judgment.

Mr. President, 54 nations are already parties to the Convention on Political Rights of Women. Among them are Afghanistan, Albania, Argentina, Brazil, Bulgaria, Canada, Central African Republic, China, Congo, Cuba, Czechoslovakia, Finland, Haiti, India, Indonesia, Japan, Lebanon, Philippines, United Kingdom, and Union of Soviet Socialist Republics.

Are these all nations which care more deeply about the political equality of women than the United States? Are these all nations which have a greater human rights record than the United States?

I say no. But the action, or more accurately the inaction, of the Senate must force any objective observer to the opposite conclusion.

These nations, every one of the 54 nations which are a party to the Political Rights of Women Convention and every one of the 78 nations which are a party to the Forced Labor Convention, are on record as being more faithful to the Charter of the United Nations than the United States of America.

Just consider what an unpardonable insult and grievous disservice the Senate's failure to approve these two conventions is to both the United Nations and to the United States.

President Kennedy asked the Senate to act. President Johnson, as recently as October 11, 1967—less than a month ago—asked the Senate to act.

In open hearings our distinguished Ambassador to the United Nations, Arthur J. Goldberg, entreated the Senate to act favorably on these conventions. The following organizations through their spokesmen and national officers have asked the Senate to act favorably on the human rights conventions: The Department of State; the Department of Labor; Senator FRANK E. MOSS; Congressman RICHARD D. MCCARTHY; AFL–CIO; American Civil Liberties Union; Americans for Democratic Action; American Baptist Convention; American Federation of State, County and Municipal Employees, AFL–CIO; American Jewish Committee; American Jewish Congress; American Veterans Committee; B'nai B'rith; the Episcopal Church; American Roumanian National Committee; Friends Committee on National Legislation; General Board of Christian Social Concerns, the Methodist Church; Industrial Union Department, AFL–CIO; International Ladies' Garment Workers Union, AFL–CIO; National Association for the Advancement of Colored People; National Board YWCA; National Community Relations Advisory Council; National Conference of Christians and Jews; United

Automobile Workers of America, AFL–CIO; National Council of Women of the United States; United World Federalists; Catholic Association for International Peace; American Association of University of Women; National Federation of Business and Professional Women; and the Bar Associations of the District of Columbia; city of New York; the State of New York; and, the State of New Jersey.

The only, I repeat the only, opposition to these human rights conventions in contrast to the truly overwhelming support for them came from the American Bar Association.

The American Bar Association said nothing about the human rights conventions for 4 years after President Kennedy submitted them to the Senate. But at its Honolulu convention, the ABA, by a vote of 115 to 92—a very close vote—out of the more than 300,000 lawyers in the United States, went on record against the Political Rights of Women Convention and made no recommendation on the Forced Labor Convention.

The central thrust of the ABA argument was that the subject matter of these conventions were matters of domestic political concern.

Mr. President, I submit that the whole purpose of the United Nations is to convince the world that human rights are not simply a matter of domestic concern. Human rights transcend national boundaries. Human rights must be truly universal if we are ever to have a truly peaceful world.

I did not believe that any rational observer seriously proposes U.S. abdication from the international stage. The question we face is not whether the United States accepts an international role, but whether we have the courage to decide on a role commensurate with our unique opportunities and grave obligations.

In the continuing battle for universal human rights, the United States cannot indefinitely ignore our opportunities nor permanently postpone our obligations.

We cannot continue indifferent to the worldwide struggle for human rights. If we fail to lead, mankind will be the victim and history will be our final judge. Recalling the words of Dante:

> The hottest places in Hell are reserved for those who in a time of moral crisis remained neutral.

Mr. President, I ask unanimous consent that the statement by United Nations Ambassador Goldberg to the Committee on Foreign Relations on February 23, 1967, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ARTHUR J. GOLDBERG, PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE UNITED NATIONS, BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 23, 1967

Mr. Chairman and Members of the Committee, it is a great pleasure to be here today. I very much appreciate the chance to take part in the opening hearings on three important international conventions on human rights—those concerning slavery, forced labor, and the political rights of women. The United States participated in the drafting of all three conventions and has lent them its support at various stages of their preparation. It was only after a careful review by the Executive Branch that they were submitted to the Senate, in July of 1963.

As you know, the Administration strongly supports ratification of these conventions. It believes them to be important agreements, to which the United States should adhere. For they not only are consistent with the traditional values and ideals of this country; they express the same profound concern for human rights that has come to be recognized everywhere as the hallmark of the United States. I believe we should welcome the opportunity to participate in agreements reflecting our high standards on an international scale.

Indeed, adherence to these conventions would underscore the fact that the United States is concerned with the realization of human rights, not only within its shores, but throughout the world. In recent years, we in this country have been engaged domestically in a tremendous effort to advance the rights of our citizens through the processes of law. And that effort, which quite rightly has held the attention of men everywhere, has reaped tremendous gains for the people of the United States. I do not believe, however, that we can now rest upon these domestic victories, and disclaim interest in the same evils abroad that we have abrogated at home. It is only fitting that a country which has taken such great strides should play a leading role in the attempt to see human rights respected in all sections of the globe.

I would point out, too, that ratification of these conventions would accord with our commitment to the Charter of the United Nations and to the principles for which it stands. Indeed, one of the main purposes of the United Nations is to achieve international cooperation in solving the kinds of problems with which these conventions are concerned. Countless times the United States has spoken publicly in support of the Charter and, specifically, in support of its human rights provisions. Why should we hesitate to ratify conventions that give such provisions a real meaning and force?

I must emphasize that I am not speaking of purely altruistic reasons for ratification, but in terms of our immediate national interest. Concern for the welfare of all peoples is a principal feature of our foreign policy. But if the United States is not interested enough in human rights to participate in even modest and broadly supported international conventions, what will be the attitude of those many countries who look to us for guidance and advice? Our views and our declarations will not be taken seriously.

And there is a practical consideration of perhaps even greater importance. Experience has taught us to seek the roots of most political frictions and disputes in social abuses—discrimination, arbitrariness, inhumanity. We have learned that, until these abuses are eradicated, until a high minimum standard for the observance of human rights prevails throughout the world, we shall not see the dawn of a truly peaceful day. It was President Kennedy who so eloquently put this thought in the form of a question: "Is not peace in the last analysis basically a matter of human rights—the right to live out our lives without fear of devastation—the right to breathe air as nature provided it—the right of future generations to a healthy existence?"

I do not say that these present conventions are a panacea, or even that they will guarantee complete solutions for the problems to which they are addressed. But I do say that they constitute steps in the proper direction, and that the United States has a strong interest in taking such steps.

It is sometimes forgotten that the United States has already taken such steps in the past, that it is a party to two significant international human rights agreements. These are the convention on slavery, which we ratified during the Administration of President Herbert Hoover; and the agreement on the nationality of women, ratified during the Administration of President Franklin Roosevelt. I submit that the United States, the greatest power in the world, should build upon these precedents in joining worthwhile international efforts in the human rights field.

It is the part of totalitarian states, not that of a great democratic nation, to shy away from human rights conventions. They have reason for difficulty with such conventions. But I do not conceive that, in light of our Constitution we have any reason that is substantial.

Before I comment specifically upon each of these agreements, two points are worth emphasis: first, that the provisions of these conventions coincide with fundamental rights already guaranteed by our Federal Constitution. To find the domestic sources of these rights, one need look no further than the First, Fifth, Thirteenth, Fourteenth, and Nineteenth Amendments. There is thus no question of conflict between the provisions of the conventions and State law, and no possibility of these conventions altering the existing balance between the jurisdiction of the Federal Government and the jurisdiction of the States. There is nothing in these conventions that is not already within the ambit of Federal Constitutional protections. There is nothing in these conventions that in any way contravenes any provision of our Constitution. And there is nothing in these conventions that in any way runs counter to the valid enactment of any State.

Second, it is important to note that each of the Constitutional rights in question either requires no implementing legislation or has already been translated into such legislation. Ratification of these conventions by the United States would require no domestic laws other than those we already have.

These two general points will reappear in my discussion of the contents of each convention.

I shall first deal with the Supplementary Convention on the Abolition of Slavery, the Slave Trade, the Institutions and Practices Similar to Slavery, which was opened for signature at Geneva on September 7, 1956. On January 1, 1967, 68 states were parties to this convention.

As its name indicates, the agreement is supplementary to the earlier convention on slavery that was concluded in 1926 and ratified by the United States in 1929. Under Article One of the present convention, states parties are to take all practicable and necessary legislative and other measures to bring about the abolition or abandonment of certain institutions and practices akin to slavery, where they still exist. These institutions and practices are: debt bondage, serfdom, delivery of children by parents or guardians to others for purposes of exploitation, involuntary marriage or transfer of women for consideration, and transfer of widows as inherited property. In states parties where these last practices—relating to the status of women—still exist, those states undertake in Article Two to prescribe suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed, and to promote the practice of enregistering marriages. Of course, Article Two has no application in the United States, since we have long ago banished the practices against which the article is aimed.

Other articles of the convention provide that the slave trade should be prohibited, that the act of enslaving another person should be a criminal offense, and that any slave taking refuge on board a vessel of a state party to this convention shall be free.

To the ears of Americans, all of these provisions have a familiar ring. The 13th Amendment to our Constitution, ratified in 1865, abolished slavery as an institution and gave Congress the power to enforce its terms by appropriate legislation. Under this authority Congress has enacted a number of laws, such as the Slave Trade Prohibition Act (46 U.S.C. 1355) and the Peonage Laws (18 U.S.C. 1581, 42 U.S.C. 1994), which proscribe the practices forbidden by the convention.

The *second* agreement that I shall briefly describe, the Convention on the Abolition of Forced Labor, was adopted by the International Labor Organization in Geneva on June 25, 1957. As of January 1, 1967, 75 states were parties.

This convention requires ratifying states to suppress and not to make use of any form or forced or compulsory labor for certain specific purposes: namely, as a means of political coercion or education or as a punishment for holding or expressing particular social, economic, or political views; as a means of mobilizing labor for purposes of economic development; as a means of labor discipline; as punishment for having participated in strikes; or as a means of racial, social, national, or religious discrimination. Ratifying states are required to take effective measures to secure immediate and complete abolition of these proscribed uses of forced or compulsory labor.

These undertakings are wholly within the Federal competence, and, indeed, are already contained in our laws. No new legislation is necessary as a result of ratifying the convention. The use or tolerance of forced labor by the Government, except as a punishment for crime, would run squarely into the terms of our Thirteenth Amendment. The use of forced labor as a punishment for crime would not be Constitutionally permissible in the cases enumerated in the convention, because the particular areas in question have the protection of Constitutional guarantees. Thus, a statute providing for forced labor for violating an arbitrary rule of racial, social, or religious discrimination would contravene the Fifth or Fourteenth amendment. Forced labor imposed as a means of punishing the mere expression of political views would not be possible, because any criminal statute providing for this would run afoul of the First Amendment. Of course, the convention like the First Amendment, applies only to the holding or expressing of views. There is no immunity for those who advocate or attempt the violent overthrow of the Government.

A word of explanation in regard to the provisions of the convention relating to labor strikes and labor discipline may be in order. It is apparent from the drafting history that the agreement was not intended to preclude the application of penal sanctions for certain kinds of labor activities. Thus, the convention would have no application to criminal sanctions for violations of court orders—such as those commonly issued under the National Labor Relations Act. Nor would it cast any doubt on punishments for illegal activities, for example, assaults, in connection with a strike. Nor, finally, would the convention apply to sanctions imposed for having participated in an illegal strike or for other illegal labor activities. The convention merely establishes that forced labor shall not be used as a punishment for those labor activities that are the inherent right of men everywhere and that are protected by our own Constitution and laws.

It is axiomatic that forced labor cannot be imposed in this country as a result of labor strikes or activities that are legal. Forced labor can in no event be tolerated in the United States except as punishment for an act that has validly been classified as criminal.

Parenthetically, you may be interested to know that the Soviet Union, which has ratified the other two conventions under consideration, has not ratified this one. The concern of the ILO with charges of forced labor in the Soviet Union is a matter of record.

The third convention, adopted by the United Nations General Assembly in late 1952 and opened for signature in 1953, deals with the political rights of women. As of January 1, 1967, there were 51 states parties to this convention.

Here again, there is no doubt that Constitutional guarantees and legislation now in force already reflect the aims and purport of the convention. We need no additional laws to ensure that women shall, on equal terms with men, be entitled to vote in all elections, be eligible for election to all publicly elected bodies established by national law, and be entitled to hold public office and exercise all public functions established by national law.

The first of these rights, the right of women to vote on equal terms with men, is the precise mandate of the Nineteenth Amendment to our Constitution. The Supreme Court, in Breedlove v. Suttles (303 U.S. 277, 283 (1937)), has ruled that the Amendment "by its own force supersedes inconsistent measures whether federal or state." Thus there can be no question of any divergence in this country from the standard set out in the convention.

The other rights provided for in the agreement relate to publicly elected bodies, public office and public functions *"established by national law."* In the United States, the term "National Law", as it appears in this convention can only be taken to mean Federal law. The history of and official United Nations commentary on the convention fully support this interpretation of the term.

That the Constitution bars arbitrary discrimination against women in their eligibility for Federal elected bodies and in their right to hold Federal office or to exercise functions in the Federal Government cannot be doubted. On the other hand, categorizations dependent upon the natural differences between women and men are permitted under our Constitution, and I understand such categorizations to be permissible under the present convention. Thus, for example, the history of the convention establishes that the terms "public office" and "public functions" were not intended to apply to military service. In voting for the convention, the United States delegate, Mrs. Eleanor Roosevelt, stated the understanding of the United States in this regard, adding that we understood the term "public office" to be coterminous with "public function".

If the Senate were to decide to give its advice and consent to United States accession to the convention, it might wish to indicate its understanding on these two points. Although I personally believe that this is not necessary, in light of Mrs. Roosevelt's statement, I would note that President Kennedy recommended such an understanding when he submitted the convention to the Senate in 1963.

As you can see, then, each of these conventions coincides very closely with the expressed principles and values of the United States. Each is a simple, forthright document, aimed at the achievement of a common international standard on matters of interest to the international community. And each is concerned with the eradication of social abuses that could and that have, at times, become sources of bitter differences among nations. In my view there is no doubt that these agreements are valid and proper subjects of the treaty power.

Before concluding, however, I wish to lay before you several further considerations that seem to me to indicate the advisability of United States ratification of these agreements.

The first is that there is a widely shared view in this country that we should take immediate steps to live up to our public professions of interest in the human rights field. Judging by the expressions of opinion that have come to the attention of the Administration, ratification would appear to fulfill the wishes of the American people.

The second point I want to make is that now is a particularly appropriate time for favorable consideration of these conventions. The General Assembly of the United Nations has proclaimed 1968 as the International Year for Human Rights, a year for new achievements and progress in this most important of areas of international concern. In my view we would usher in the International Year for Human Rights most felicitously by adherence to these conventions. For in so doing, we would demonstrate that this nation will not stand aloof from a major world effort to elevate human rights standards everywhere.

Thirdly, and perhaps most significantly, there are the tremendous consequences of our decision whether to ratify these conventions. I do not mean solely the consequences for the United States, which I have previously mentioned. I am referring, also, to the consequences for the conventions themselves, for their effectiveness and for the respect their provisions can command. Without the support of the United States, these agreements may appear insignificant to many other countries. If we do not consider it important to sign the conventions, why should they? And more importantly, why should they implement the conventions?

With United States ratification, on the other hand, these conventions would have a new life. In expressing our acceptance and in faithfully implementing the provisions of these agreements, we would encourage states that have thus far withheld adherence to reconsider their position. When there are departures from the standards that the conventions lay down, the United States would be able, as a state party, to exert its influence to bring about renewed observance of those standards.

A tremendous impetus would thus be provided for the worldwide battle for human rights. And the solemn human rights provisions of the United Nations Charter would receive some real content. I believe that the United States, with its profound commitment to the rule of law, can only contemplate such a prospect with approval.

We are, after all, a nation that stands for something in world history. "Certain unalienable rights" were proclaimed in 1776 as the heritage of "all men"— not just Americans. Abraham Lincoln said there was "something in that Declaration giving liberty not alone to the people of this country, but hope for the world, for all future time."

It is deep in our American character to believe in this. And the influence of those brave words of 1776, in country after country, generation after generation down to our own day, is solid proof that these ideas are universal and that they can move men to action on a very large scale. When such ideas come to the surface anywhere in the world, our national conscience does not allow us to be indifferent to them.

I would urge your Committee to recommend to the Senate that it advise and consent to all three of the conventions before you.

Mr. PROXMIRE. I ask unanimous consent that the letter of July 22, 1963 to the Senate from President John F. Kennedy, requesting our support for these human rights conventions be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Office of the White House Press Secretary, July 22, 1963]

The White House made public today the following letter from the President of the Senate:

JULY 22, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I have today transmitted to the Senate three conventions with a view to receiving advice and consent to ratification. These are:

1. The Supplementary Convention to the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery prepared under the direction of the United Nations in 1956, to which 49 nations are now parties.

2. The Convention on the Abolition of Forced Labor, adopted by the International Labor Organization in 1957, to which 60 nations are now parties.

3. The Convention on the Political Rights of Women, opened for signature by the United Nations in 1953, to which 39 nations are now parties.

United States law is, of course, already in conformity with these conventions, and ratification would not require any change in our domestic legislation. However, the fact that our Constitution already assures us of these rights does not entitle us to stand aloof from documents which project our own heritage on an international scale. The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations.

These conventions deal with human rights which may not yet be secure in other countries; they have provided models for the drafters of constitutions and laws in newly independent nations; and they have influenced the policies of governments preparing to accede to them. Thus, they involve current problems in many countries.

They will stand as a sharp reminder of world opinion to all who may seek to violate the human rights they define. They also serve as a continuous commitment to respect these rights. There is no society so advanced that it no longer needs periodic recommitment to human rights.

The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny. Accordingly, I desire, with the constitutional consent of the Senate to ratify these Conventions for the United States of America.

Sincerely,

JOHN F. KENNEDY.

Mr. PROXMIRE. Mr. President, as I mentioned earlier, the subcommittee which reported these three human rights conventions to the full Foreign Relations Committee was very ably chaired by the senior Senator from Connecticut [Mr. DODD].

Senator DODD's great dedication to, and tireless labor in behalf of, human rights conventions go back to his service as a prosecuting attorney at Nuremberg. As a private attorney in 1950, Senator DODD testified persuasively in favor of U.S. ratification of the Genocide Convention before the Foreign Relations Committee. His commitment to the U.N. and the human rights conventions has been conclusively demonstrated time and again.

Because Senator DODD is ill today and unable to be here on the floor, I ask unanimous consent that a splendid speech which he had planned to deliver today be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS CONVENTIONS

(Statement by Senator DODD)

I support the unanimous recommendation of the Committee on Foreign Relations that the Supplementary Slavery Convention be approved by the Senate. However, I want to disassociate myself from the Committee action in tabling the Forced Labor Convention and the Convention on the Political Rights of Women.

As Chairman of the Subcommittee on the Human Rights Conventions which reported favorably to the full Committee all three conventions referred to it, I wish to express my deep disappointment at the Committee's action in approving only one of the conventions, the Supplementary Slavery Convention.

I completely fail to understand the reasoning which persuaded the Committee to approve that Convention and table the other two.

I hope the Senate will reverse the Committee and approve the Conventions on Forced Labor and Political Rights of Women, as well as the Supplementary Slavery treaty.

POSITION OF THE BAR ASSOCIATION

Since the Committee's action exactly follows the recommendations of the American Bar Association rather than the majority of its Subcommittee, I want to make a few comments about the association and its stand on these treaties.

I have the highest regard for the American Bar Association, and in fact, I have been a member of this organization for over 30 years, serving on several committees on numerous occasions. My disagreement with the ABA is limited merely to what I consider to be the erroneous position that it has taken concerning these Human Rights Conventions.

In addition, I want to express my high regard for Mr. Eberhard P. Deutsch, Chairman of the Standing Committee on Peace and Law through the United Nations, of the ABA who presented the ABA position to the committee. I know him to be an outstanding lawyer and gentleman. My disagreement with him is limited also only to the position that he has taken concerning these treaties.

Only after the subcommittee commenced its hearings in February, did it receive a letter from the American Bar Association asking for a delay in consideration until that association could make up its mind concerning these treaties. The ABA asked for this delay in spite of the fact that the treaties had been pending in the Senate since 1963 and had been negotiated in the mid-fifties.

The subcommittee continued its hearings, taking testimony from all who asked to be heard and keeping the record open for additional statements for another two weeks after the last hearing on March 8, 1967. It is highly significant that all statements made to the subcommittee—oral, and in writing, including the statement of Ambassador Goldberg representing the Administration—strongly supported the approval of all three conventions.

Even though the Subcommittee was ready to make its recommendation in March, it was decided to wait until May to allow the Bar association further time to make a recommendation. When it developed that the Board of Governors and the interested committees were unable to agree on a recommendation, the subcommittee proceeded to report all three conventions favorably to the Committee.

In August, the House of Delegates of the American Bar Association met in Honolulu and passed a resolution recommending approval of the Slavery Convention, no action on the Forced Labor Convention, and disapproval of the Political Rights for Women Convention. These recommendations were laid before the full Committee at another public hearing held in September.

SUPPORT FOR POSITION WITHIN THE LEGAL PROFESSION

Now what about these recommendations? How much support do they have within the association itself? How contradictory and inconsistent are they?

The testimony of Max Chopnick, one of the ABA witnesses, is very illuminating on the first point. It appears on pages 45–47 of part 2 of the hearings, and describes the monumental travail of the ABA in arriving at any kind of a position. The position finally adopted was by a vote of 115 for to 92 against.

So 115 lawyers in the United States out of 313,462 (1967 census) voted in favor of the split recommendations—described as a compromise—presented to the Foreign Relations Committee. Forty-four percent of the lawyers present at the meeting voted against even this compromise. When this close vote is compared to the favorable testimony of the many other lawyers who appeared before the subcommittee and the favorable recommendations of the following bar associations: Alaska, Colorado, District of Columbia, Los Angeles, New Jersey, New York City, New York State, and Philadelphia, one wonders exactly how much weight should be given to the ABA recommendation.

The record is clear that there are far more lawyers who support ratification than there are who oppose it.

VALIDITY OF ABA'S ARGUMENT

The opponents within the ABA made the same argument against all three of these Human Rights Conventions—namely that they constitute interference in matters which traditionally have been considered to be within the domestic jurisdiction of sovereign states. This argument, levelled at all three treaties, was accepted only in the case of one—the Convention on the Political Rights of Women. If it had any validity, it would have been deemed valid by the ABA against all three treaties.

In its testimony before the Foreign Relations Committee in support of its recommendation, the ABA representatives strained to find something good to say about the Slavery Convention that could not be said about the other two treaties. They found one article, one sentence and a previous treaty to justify the difference in their recommendations and the Committee repeated that line of argument in its report.

If qualifying women as voters—as required by the Political Rights of Women Convention—is considered to be a domestic matter, so certainly would be the exploitation of children and the prescription of minimum ages of marriage. Yet these are among the matters covered by the supplementary slavery convention.

The parallel recommendations of the Bar Association and the Committee on Foreign Relations are lacking in consistency and logic and fail to address themselves to the merits of the conventions. Both have succeeded merely in straddling the issue in a pragmatic effort to dispose of the question.

THE DOMESTIC JURISDICTION ARGUMENT

As I previously stated the ABA's main argument is that all these treaties invade fields which have been considered to be domestic in nature—fields said to be improper subjects for international covenants because they concern the relationship of the state to its citizens. This, essentially is the traditional Dulles-Bricker view of the treaty making power, expressed in the early 1950's.

Even while he expressed this view, the late Secretary of State added: "By traditional I do not mean to imply that the boundary between domestic and international concerns is rigid and fixed for all time."

This view of the treaty power was even then disputed and surely is now outmoded. As President Kennedy stated in his overall message submitting these treaties to the Senate in 1963:

"The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations."

More and more matters that were once considered to be of purely domestic concern have become international in character. One of the ABA representatives even endorsed a United Nations Convention (not yet submitted) on the nationality of married women, at the same time that he opposed political rights for women.

I concur with the many witnesses before the subcommittee who concluded that all three treaties encompass matters which are entirely appropriate subjects for international treaty-making. While Human Rights conventions are largely a post-World War II development, there are precedents for taking action.

The original slavery convention has already been cited in the majority report:

A convention on the Nationality of Women was ratified during the administration of Franklin D. Roosevelt.

The several International Labor Organization conventions approved by the Senate over the years deal essentially with human rights.

And, the Single Convention on Narcotics recently approved by the Senate with its limitations on the production, manufacture, sale and distribution of narcotics within the contracting states deals with a matter of domestic jurisdiction.

I call attention to the testimony of one of the witnesses on the Narcotics Convention, a former U.S. Commissioner of the Bureau of Narcotics, Mr. H. J. Anslinger. Referring to the marijuana problem, he stated:

"Several groups in the United States are loudly agitating to liberalize controls and, in fact, to legalize its use.

"In the convention it is very specific that we must prevent its misuse. If the United States becomes a party to the 1961 convention we will be able to use our treaty obligations to resist legalized use of marijuana."

Here we have a former high government official arguing for a treaty on the very grounds that it will affect domestic jurisdiction over the problem of narcotics. Such a fundamental question is not even involved in the Forced Labor and Political Rights of Women Conventions which the Committee voted to table while earlier approving the narcotics treaty:

All witnesses pro and con agree that none of the presently pending Human Rights treaties require the U.S. to change or enact any domestic laws to bring U.S. practice in conformity with the treaty obligations. It is therefore all the more incomprehensible to me how they can be construed as affecting domestic jurisdiction.

It has been alleged that, since treaties become the law of the land, these treaties will serve to increase the jurisdiction of the Federal Government vis-a-vis the States by bringing within the Federal jurisdiction matters now within state jurisdiction, such as qualification of voters. Ambassador Goldberg answered this argument very well when he said at the Subcommittee hearings in February:

"There were concerns in that area about federalism and State relations. Now, Congress has acted, asserting congressional power in the civil rights area, for example, and therefore, I can say to you that nothing in these conventions transcends or requires any legislation on our part. The legislation has been enacted and the Supreme Court of the United States has sustained the congressional legislation in this area. So doubts on that score have now been settled by supervening events."

OTHER HUMAN RIGHTS TREATIES

Some of the opposition to these treaties appears to be based in large part on other treaties adopted by the U.N. which have not yet been submitted to the Senate, the implication being that if the U.S. Senate approves the pending treaties, the State Department will send up the others for similar approval. This argument has been answered by the ABA itself, when it agreed that each treaty should be judged on its own merits and proceeded to do so in the case of the present three—coming up with three different recommendations. Because the U.N. may have drafted a number of other treaties which, on the surface, appear to be far-fetched, this is not a reason to reject any or all presently pending Human Rights treaties.

The distinguished Senator from Kentucky, Senator Cooper, I know, was disturbed by some of the language in the Forced Labor Convention that he felt could be used to construe the prohibitions against strikes by Federal and State employees and the 90 day injunction period of the Taft-Hartley Act as Forced Labor. While I realize that reservations are not permissible on International Labor Organization Treaties, understandings are acceptable. The following understandings, I believe, if made part of the ratifying resolution of the Forced Labor Convention would have clarified any misunderstandings in the meaning of this Convention as it applied to the United States:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification by the United States of America of the Convention concerning the Abolition of Forced Labor (Convention No. 105) Executive K, Eighty-eighth Congress, First Session), with the following understandings:

"1. The Convention is not applicable to prison labor imposed after due conviction under Federal or State law for illegal strike activities or imposed for violation of a court order validly issued under Federal or State law enjoining a strike.

"2. The Convention is not applicable to prison labor imposed after due conviction under Federal or State laws which prohibit persons who participate in a strike or assert the right to strike against the Federal Government or the Government of any State, or any agency thereof, from accepting or holding office or employment in the Federal Government or in such State Government, or in such agency."

Unfortunately, the Committee did not find this language acceptable, and therefore, voted to table the Convention along with the Convention on the Political Rights of Women.

OTHER COUNTRIES ACTIONS

It has been alleged that there is no useful purpose served in adhering to these treaties because countries to which they would have the greatest applicability—for example the Soviet Union with regard to Forced labor, and African and Near Eastern nations with regard to slavery—have not become parties.

The question that immediately comes to mind is: does the U.S. want to become associated with those nations of the world which cannot subscribe to these treaties because they practice what the treaties proscribe?

Doubts have also been cast on the meaningfulness of action taken by countries which *have* become contracting parties. The word "hypocrisy" has been used to describe their action because, it is alleged, these rights have no true and real meaning within the context of many primitive societies. This attitude denies to the newly emerging nations any credit for having ideals that may be greater than their present capacities for fulfilling them. If any nation, including our own, should ever cease to have visions of a life better than the present one, the future of the world would indeed be dark.

Finally, I would like to quote from a U.S. official on the firing line at the United Nations, where the U.S.'s dismal record on Human Rights treaties is thrown back at us at every opportunity. I quote from the testimony of Ambassador Morris Abrams, our U.S. Representative to the U.N. Commission on Human Rights:

"Mr. Chairman, this brings me to a problem of which I have had a frontline experience as our representative to the Human Rights Commission—the serious embarrassment to the conduct of our policy at the United Nations stemming from our failure to ratify these conventions. I would like to take as my text the following remarks directed to me by the Soviet Delegate in the course of the Commission's Spring 1966 Session. With your permission I shall read an excerpt from the Summary Record of that session:

" 'Mr. Morozov (Union of Soviet Socialist Republics) said that, having listened carefully to the statement by the United States representative on 25 March and having heard him warmly support the Costa Rican proposal for the creation of a post of United Nations High Commissioner for Human Rights, he was obliged to point out that once again the Commission was witnessing an attempt by the United States to divert it from its basic task, which was to promote respect for human rights and fundamental freedoms. Once again, instead of being encouraged to follow its proper course, which was to draw up conventions and instruments in the sphere of human rights with supervisory machinery to ensure their implementation, the Commission had before it a proposal so nebulous that even those who supported it were unable to speak clearly on the subject.

" 'An objective analysis of the political orientation of the proposal so ardently supported by the United States and its allies soon revealed that the proposal was designed to give world public opinion the impression of active participation in the cause of human rights by States which in practice obstinately refused to fulfill their obligations under the multilateral international conventions in the field of human rights drawn up under the auspices of the United Nations and its specialized agencies.

" 'The United States representative had admitted that the United States had lagged behind in that sphere. That was an understatement; he would mention some of the conventions which the United States had not yet ratified.

" 'Firstly, there was the Convention on the Prevention and Punishment of the Crime of Genocide, which had come into force on 12 January 1951. Not only had the United States failed to ratify that Convention, which was designed to prevent the recurrence of nazi and fascist crimes, but during the drafting of that instrument it had endeavored to deform the text by a series of proposals and amendments.

" 'Similarly, during the preparation of the Convention on the Political Rights of Women, the United States had endeavoured to diminish its scope and, despite the concessions that had been made in the hope that it would ratify the Convention, the United States had still not done so, twelve years after it had come into force.

" 'The United States was still not a party to the Slavery Convention of 7 June 1955 or the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 30 April 1957. It might also be wondered when the United States would decide to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, which had recently been adopted by the General Assembly.

" 'With regard to the conventions drawn up under the auspices of the specialized agencies, he pointed out that the United States had so far failed to sign certain very important conventions, such as the Convention on Discrimination in Respect of Em-

ployment and Occupation and the Convention against Discrimination in Education, which included measures designed to ensure the implementation without discrimination of certain fundamental human rights at the national and international level.

"'As for the draft Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the United States delegation had long since made it clear that its country would not sign them.

"'Instead of criticizing the various conventions adopted in the sphere of human rights for their narrow scope, the United States would do well to accede to those instruments and try to increase their effectiveness.

"'It was clear from the facts he had just mentioned that the United States, wishing to escape from the untenable position into which it had been forced by its refusal to ratify the conventions in question, had thought that it could confuse the issue by strongly supporting the creation of the post of United Nations High Commissioner for Human Rights." E/CN.4/SR. 879, pp. 9–10.'"

My question to the Senate is: To whom shall we listen? The lawyers working back in their hometown offices, who came up with a recommendation that was born out of confusion and is full of contradiction? Or the lawyers on the front line of our international representation at the United Nations?

I am pleased to note that the Committee report to which I subscribe as far as it goes, makes mention that 1968 has been designated International Human Rights Year.

It does not note, however, that the General Assembly of the United Nations called upon its member states to ratify nine Human Rights treaties, of which the Committee recommended only one.

This action by the Committee is worse than doing nothing at all because it strongly suggests that the United States will refuse to ratify any of the other Human Rights Conventions.

I hope that the Senate will reverse this decision and give its approval to all three treaties in the so-called Kennedy package—The Supplementary Slavery Convention, the Forced Labor Convention and the Political Rights of Women Convention.

In addition, it is my hope that the Genocide Convention, which was sent to the Senate in 1949 by President Truman and for all intents and purposes has been shelved ever since, will be sent to the Subcommittee for its consideration. I testified as a private citizen before the Foreign Relations Committee as early as 1950 in favor of Senate ratification of the Genocide Convention. I think it is a travesty that the United States has not to date ratified it.

In conclusion, I would like to pay tribute to the members of the Ad Hoc Subcommittee on Human Rights Conventions and to thank them for the time and diligence they gave to the consideration of these treaties. I am only sorry that the Subcommittee majority recommendation was not accepted by the full committee.

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask for 2 minutes.

Mr. MANSFIELD. Mr. President, notwithstanding the agreement entered into, I ask unanimous consent that the time of the Senator from Wisconsin be extended 10 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I wish to associate myself generally with the views expressed by the Senator from Wisconsin. I believe that he renders us all a fine service in having taken up the cudgels as he has for these two conventions, which have literally been slumbering in the Foreign Relations Committee.

I have spoken before of the Genocide Convention, which is a matter of the very deepest interest to me, for obvious reasons, considering the holocaust which was perpetrated upon the Jews of Europe during the Hitler terror, repetition of which that convention was designed to avoid in the future, as well as to put at rest legal questions which agitated some of the most broadminded and humanitarian Members, even, of this body, with respect to the Nuremberg trials.

Mr. President, I know that this is a cynical and difficult world, a fact which the Senator from Wisconsin recognizes as well as I do. Somehow or other, it takes the character of the greatest nation in that world to stamp each proposal such as this, in the corridor of history, as an advance or a regression. That is the unique opportunity which our country has. We all know, that if we do not do it, it will not be done. Others must join with us, but the impetus must come from us.

No one knows that better for example, than our distinguished majority leader, who has been waging such a magnificent struggle with the administration of his own party to bring the Vietnam question before the United Nations. If it is to be done we have to do it; and for that reason, I certainly join with the Senator from Wisconsin and all others who understand that this kind of leadership is necessary for ratifying these conventions—and it is a disgrace that we have not done so heretofore. The fears which have delayed their ratification—fears of interference with our sovereignty of our ability to punish criminals, or any such thing as that—are completely unjustified. I believe the findings of the committee are conclusive on that score.

History will mark us either as achieving a new plateau of human decency, or standing still, or regressing. Therefore, I take the greatest pride in joining with the Senator from Wisconsin and other Senators in this struggle.

Even the lonely voice is never completely unheard. I urge the Senator from Wisconsin, though it may seem difficult, to keep it up. I too shall speak, and many others will. I have deep faith that the objective will be accomplished, because it reflects the essential temper of our people. That does not mean our people will do it. Often the temper of a people is not brought to fruition, through their own failures of leadership or perseverance, or persuasion, or even the lack of ability to put the case clearly enough.

But it can be done, and I am honored to join the Senator in trying to do it.

Mr. PROXMIRE. I say to the distinguished senior Senator from New York that I deeply appreciate those eloquent and persuasive words. I also welcome the support of the Senator from New York on this issue, for many reasons. He is not only a nationally recognized humanitarian, not only a man who has the deepest sensitivity and feeling in these areas of human rights and human liberties, but he is also a very competent lawyer.

I do not know of any Senator who is a more competent lawyer or who understands our Constitution or international law better.

After all, the only group that opposed one of these treaties was the American Bar Association, and they did it by a closely divided vote. They only opposed the treaty relating to the political rights of women. They did not oppose the treaty relating to forced labor. The outcome of these matters is discouraging in the Foreign Relations Committee. But the fight is just beginning. I think that the words of enthusiastic and fervent support from the Senator from New York is most significant and welcome. I think the position the Senator from New York has taken should weigh very heavily with Members of the Senate.

Mr. JAVITS. Mr. President, I would not even give up on the American Bar Association. Close votes have turned the other way on previous occasions in this and in other bodies, including the American Bar Association.

I still hope that the lawyers of the country will recognize the justice of this case. And I hope that interested lawyers will take heart and support the position taken by the Senator from Wisconsin and renew the fight in the American Bar Association.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from New York.

I ask unanimous consent to have printed in the RECORD a statement by the Senator from Massachusetts [Mr. BROOKE], who is necessarily absent today.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BROOKE

On September 23rd, 1862, the President of the United States issued an order that, as of January 1st of the following year, all slaves in any state then in rebellion against the United States "shall be, then, thenceforward, and forever free." With that proclamation slavery was formally abolished in the United States.

Sixty-four years later, almost to the day, the Slavery Convention of the League of Nations was signed at Geneva. This document indicated the desire of the signatories that slavery and the slave trade should be abolished in that part of the world under their control.

In 1956, ninety-four years after the Emancipation Proclamation was issued by President Lincoln, thirty-two of the nations of the world signed a Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Since then, the total number of signatories has risen to sixty-seven. All of the continents of the world are represented. Our allies, such as Britain and Germany and Australia, have signed. Our neighbors, Canada and Mexico, have added their names to the list. The new nations of Africa and Asia are well represented. The Soviet Union and its allies were numbered among the original signatories.

This Convention is not a controversial document. It takes no sovereignty away from this government. It has no direct impact upon our peoples or upon our laws. The

principles it espouses were a part of the heritage which this country took the leadership in giving to the world over one hundred years ago.

This Convention represents a recognition on the part of the majority of the nations of the world that the principles for which this nation has always stood—principles of liberty and justice and equality—are right. It is simple, direct and compelling evidence that the values which this nation has held since its inception are not isolated values, peculiar to our own environment and intellectual heritage. Rather they are universal values, whose worth we should proudly uphold.

This nation should be in the forefront of the commitment to human rights. We should have been the first to sign this Convention, not the 70th. We should have been the first to sign the Conventions on the Rights of Women, on Discrimination in Employment, on Genocide and on Forced Labor. Instead, we have stood by while fifty, sixty, and in one case seventy-eight of the nations of the world have indicated their support for principles and ideals which we may well have been the first nation in history to adopt in practice.

We must not assume that our principles are self-evident. We must not give the nations of the world reason to question our commitment to the values which they are striving to implement and to understand.

I applaud the decision of the Foreign Relations Committee to submit the Supplementary Convention on the Abolition of Slavery to the Senate for ratification today. I hope that the press of other business will not now intervene and prevent the consideration of other, equally important human rights conventions. Our ratification of this and other conventions will lend considerable support to the validity and force of the ideals which they contain as guiding principles in our modern world.

The PRESIDING OFFICER. Without objection, the convention will be considered as having been passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The clerk will read the resolution of ratification.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession by the United States of America to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Ex. L, 88th Cong., first sess.).

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the resolution of ratification on Executive L, 88th Congress, first session, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, signed at Geneva on September 7, 1956.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Ohio [Mr. YOUNG] are absent on offical business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from New Mexico [Mr. MONTOYA], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] and the Senator from Iowa [Mr. HICKENLOOPER] are absent on official business.

The Senator from Tennessee [Mr. BAKER], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from New Jersey [Mr. CASE] and the Senator from Kentucky [Mr. MORTON] are detained on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. CASE], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The yeas and nays resulted—yeas 77, nays 0, as follows:

[No. 306 Ex.]

YEAS—77

Aiken	Eastland	Hill
Allott	Ellender	Holland
Bartlett	Ervin	Hollings
Bayh	Fannin	Inouye
Bennett	Fong	Jackson
Boggs	Fulbright	Javits
Brewster	Gore	Jordan, N.C.
Burdick	Griffin	Jordan, Idaho
Byrd, Va.	Gruening	Kennedy, Mass.
Byrd, W. Va.	Hansen	Kennedy, N.Y.
Clark	Harris	Kuchel
Cotton	Hartke	Lausche
Curtis	Hatfield	Long, La.
Dominick	Hayden	Mansfield
McCarthy	Muskie	Spong
McClellan	Nelson	Stennis
McGee	Pearson	Symington
McGovern	Pell	Talmadge
McIntyre	Percy	Thurmond
Metcalf	Prouty	Tower
Miller	Proxmire	Tydings
Mondale	Randolph	Williams, N.J.
Monroney	Ribicoff	Williams, Del.
Morse	Russell	Yarborough
Moss	Smith	Young, N. Dak.
Mundt	Sparkman	

NAYS—0

NOT VOTING—23

Anderson	Cooper	Montoya
Baker	Dirksen	Morton
Bible	Dodd	Murphy
Brooke	Hart	Pastore
Cannon	Hickenlooper	Scott
Carlson	Hruska	Smathers
Case	Long, Mo.	Young, Ohio
Church	Magnuson	

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

TAX CONVENTIONS WITH CANADA, AND WITH TRINIDAD AND TOBAGO

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive B, 90th Congress, first session, and Executive F, 90th Congress, first session.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider Executive B (90th Cong., first sess.), an income tax convention with Canada, and Executive F (90th Cong., first sess.), an income tax convention with Trinidad and Tobago, which were read the second time, as follows:

SUPPLEMENTARY CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CANADA FURTHER MODIFYING AND SUPPLEMENTING THE CONVENTION AND ACCOMPANYING PROTOCOL OF MARCH 4, 1942, FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION IN THE CASE OF INCOME TAXES AS MODIFIED BY THE SUPPLEMENTARY CONVENTION OF JUNE 12, 1950, AND THE SUPPLEMENTARY CONVENTION OF AUGUST 8, 1956

The Government of the United States of America and the Government of Canada, desiring to further modify and supplement in certain respects the Convention and accompanying Protocol for the avoidance of double taxation and the prevention of fiscal evasion in the case of income taxes signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956, have decided to conclude a Supplementary Convention for that purpose and have agreed as follows:

ARTICLE I

The provisions of the Convention and Protocol between the United States of America and Canada, signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956, are hereby further modified by adding to Article XI thereof the following new paragraph:

"6. Paragraph 1 of this Article shall not apply in respect of income derived from sources in one of the Contracting States and paid to a corporation organized under the laws of the other Contracting State if such corporation is not subject to tax by the last-mentioned Contracting State on that income because it is not a resident of the last-mentioned Contracting State for purposes of its income tax."

ARTICLE II

1. This Supplementary Convention is done in the English and French languages, each version being equally authentic. It shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

2. This Supplementary Convention shall come into force on the date on which instruments of ratification are exchanged and shall thereupon have effect with respect to income paid on or after (a) January 1, 1967, or (b) the date on which the instruments of ratification are exchanged, whichever is the later. It shall continue in force indefinitely as thought it were an integral part of the Convention of March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Supplementary Convention.

DONE in duplicate, in the English and French languages, at Washington this 25th day of October, 1966.

For the Government of the United States of America:

NICHOLAS DEB. KATZENBACH

For the Government of Canada:

A. E. RITCHIE

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF TRINIDAD AND TOBAGO FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND THE ENCOURAGEMENT OF INTERNATIONAL TRADE AND INVESTMENT

The Government of the United States of America and the Government of Trinidad and Tobago,

Desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, and the encouragement of international trade and investment,

Have agreed as follows:

ARTICLE 1

Taxes covered

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States, the Federal income tax, including surtax, imposed by the Internal Revenue Code.

(b) In the case of Trinidad and Tobago, the corporation tax and the income tax.

(2) The present Convention shall also apply to taxes substantially similar to those covered by paragraph (1) of this Article which are subsequently imposed in addition to, or in place of, existing taxes.

ARTICLE 2

Definitions

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America and, when used in a geographical sense, means the States thereof and the District of Columbia.

(b) The term "Trinidad and Tobago" means the country of Trinidad and Tobago and, when used in a geographical sense, means the Island of Trinidad, the Island of Tobago and their dependencies.

(c) The terms "one of the Contracting States" and "the other Contracting State" mean the United States or Trinidad and Tobago, as the context requires.

(d) The term "person" comprises an individual, a corporation and any other body of individuals or persons.

(e) The term "United States corporation" or "corporation of the United States" means a corporation, or an entity treated as a corporation for United States tax purposes, which is created or organized under the laws of the United States or any State thereof or the District of Columbia.

(f) The term "Trinidad and Tobago corporation" or "corporation of Trinidad and Tobago" means any corporation or any entity treated as a corporation for Trinidad and Tobago tax purposes, the business of which is managed and controlled in Trinidad and Tobago.

(g) The term "resident of one of the Contracting States" means an individual who is a resident of that Contracting State for purposes of the tax of that Contracting State and includes an individual acting as a partner or fiduciary to the extent that the income derived by such individual in that capacity is taxed as the income of a resident.

(h) The terms "resident or corporation of one of the Contracting States" and "resident or corporation of the other Contracting State" mean a resident or corporation of the United States or a resident or corporation of Trinidad and Tobago, as the context requires.

(2) As regards the application of the present Convention by a Contracting State, any term not expressly defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of the present Convention.

ARTICLE 3

Dividends

(1) The tax imposed by one of the Contracting States on dividends derived from sources within that Contracting State by a resident or corporation of the other Contracing State shall not exceed—

(a) 25 per cent of the gross amount distributed; or

(b) when the recipient is a corporation 5 per cent of the gross amount distributed if—

(i) during the part of the paying corporation's taxable year which precedes the date of payment of the dividend and during the whole of its prior taxable year (if any), at least 10 per cent of the outstanding shares of the voting stock of the paying corporation was owned by the recipient corporation, and

(ii) not more than 25 per cent of the gross income of the paying corporation for such prior taxable year (if any) consisted of interest and dividends (other than interest derived in the conduct of a banking, insurance or financing business, and dividends or interest received from subsidiary corporations having 50 per cent or more of the outstanding shares of the voting stock owned by the paying corporation at the time such dividends or interest were received).

(2) The provisions of paragraph (1) shall not apply if the recipient of the dividends is a resident or corporation of one of the Contracting States and has a permanent establishment in the other Contracting State.

(3) (a) The term "dividend" in the case of Trinidad and Tobago includes any item which under the law of Trinidad and Tobago is treated as a distribution.

(b) The term "dividend" in the case of the United States includes any item which under the law of the United States is treated as a distribution of earnings and profits.

(4) Dividends paid by a corporation of one of the Contracting States to a person other than a resident or corporation of the other Contracting State (and in the case of a dividend paid by a Trinidad and Tobago corporation, to a person other than a citizen of the United States) shall be exempt from tax by the other Contracting State.

(5) Notwithstanding the provisions of paragraphs (2) and (4) above, where a corporation of one of the Contracting States has a permanent establishment in the other Contracting State and derives profits or income from that permanent establishment, any remittances of such profits or income by that permanent establishment may be taxed in accordance with the law of such other Contracting State except that the provisions of subparagraph (1)(b) of this Article shall apply.

ARTICLE 4

Credit

(1) The United States, in determining United States tax in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as if this Convention had not come into effect. Subject to the provisions of the law of the United States regarding the allowance as a credit against United States tax of tax payable in a territory outside the United States (which shall not affect the general principle hereof), the United States shall allow to a citizen, resident or corporation, as a credit against its taxes, the appropriate amount of Trinidad and Tobago income tax paid and, in the case of the United States corporation owning at least 10 percent of the voting power of a corporation resident in Trinidad and Tobago, shall allow credit for the appropriate amount of Trinidad and Tobago tax paid by the corporation paying such dividend with respect to the profits out of which such dividend is paid, if the recipient of such dividend includes in its gross income for the purpose of United States tax the amount of such Trinidad and Tobago tax. For this purpose, the recipient of any dividend paid by a corporation which is resident in Trinidad and Tobago shall be considered to have paid to Trinidad and Tobago income tax legally deducted from such dividend payment by the person by or through whom payment thereof is made (to the extent that it is a tax chargeable in accordance with the present Convention), if such recipient elects to include in his gross income for purposes of United States tax the amount of such Trinidad and Tobago tax. The appropriate amount of Trindad and Tobago tax which shall be allowed as a credit under this paragraph shall be based upon the amount of Trinidad and Tobago tax paid but shall not exceed that portion of United States tax which net income from sources within Trinidad and Tobago bears to the entire net income.

(2) Subject to the provisions of the law of Trinidad and Tobago regarding the allowance as a credit against Trinidad and Tobago tax of tax payable in a territory outside Trinidad and Tobago (which shall not affect the general principle hereof)—

(a) the United States tax payable under the law of the United States and in accordance with the present Convention, whether directly or by deduction (excluding, in the case of a dividend, tax payable in respect of profits out of which the dividend is paid), shall be allowed as a credit against any Trinidad and Tobago tax;

(b) in the case of a dividend paid by a United States corporation to a Trinidad and Tobago corporation which controls directly or indirectly, at least 10 percent of the voting power in the United States corporation, the credit shall take into account (in addition to any United States tax creditable under (a)) the United States tax payable by the United States corporation in respect of the profits out of which such dividend is paid;

the amount of United States tax which shall be allowed as a credit under this paragraph shall be based upon the amount of United States tax paid but shall not exceed that portion of Trinidad and Tobago tax which net income from sources within the United States bears to the entire net income.

ARTICLE 5

Effective date

(1) The present Convention shall be ratified and the instruments of ratification exchanged at Port of Spain as soon as possible.

(2) The present Convention shall enter into force upon the exchange of instruments of ratification. The Contracting States agree, however, following the signing of this Convention, to take all such steps as are necessary to give effect to the provisions of this Convention so that such provisions shall commence with effect from January 1, 1966.

(3) The present Convention shall terminate on December 31, 1967. However, if both of the Contracting States agree on or before December 31 of any taxable year by notes exchanged through diplomatic channels to continue this Convention in effect for the following year, the present Convention shall continue to be effective during such following year.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed the present Convention.

Done in duplicate at Port of Spain this 22nd day of December, 1966.

For the Government of the United States of America:

[SEAL] ROBERT G. MINER
Ambassador Extraordinary and Plenipotentiary

For the Government of Trinidad and Tobago:

[SEAL] ARTHUR N. R. ROBINSON
Minister of Finance

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on each of these conventions, with the vote on the convention with Canada beginning at 2 p.m.

The PRESIDING OFFICER. Will the Senator state whether he wishes the vote on these two measures to be en bloc or separately?

Mr. MANSFIELD. Separately, with the vote on the first convention with Canada beginning at 2 p.m., followed by a second vote on the convention with Trinidad and Tobago upon the completion of the first vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, the supplementary convention with Canada contains one substantive article, the purpose of which is to add a new paragraph to article XI of the 1942 convention dealing with taxes imposed by one country on income derived from sources within the other country.

The effect of this new paragraph is to eliminate preferential treatment accorded to persons living outside both countries who receive investment income from the United States at substantially reduced tax rates. This preferential treatment results from the combined effect of article XI, which reduces from 30 to 15 percent the U.S. withholding tax rate on investment income flowing to Canadian corporations, and the domestic law of Canada, which exempts a Canadian company from tax on income from outside that country if the company is managed and controlled abroad. The result has been to allow third-country residents to use Canadian companies as a device to avoid American taxes.

The tax convention with Trinidad and Tobago consists of five articles, only two of which contain substantive provisions. According to the executive branch, it is designed primarily as an interim measure to permit corporations of one of the countries to receive dividends from their subsidiary corporations operating in the other country at a reduced rate of withholding tax. The existing internal law of the United States and Trinidad and Tobago provides that dividends paid by a corporation of one country to a resident of the other country are subject to a 30-percent withholding tax. Under certain conditions—see paragraph (1) of article 3—the convention will have the effect of reducing this withholding rate to 5 percent with respect to such dividends.

Trinidad and Tobago imposes a corporation tax at a rate of 44 percent. In addition, under its Finance Act of 1966, it imposes a tax of 30 percent on profits derived in that country by a permanent establishment of a U.S. corporation, unless such profits are invested within Trinidad and Tobago. This convention—see paragraph (5) of article 3—will have the effect of reducing from 30 to 5 percent the Trinidad and Tobago tax on profits—after payment of the 44-percent corporation tax—derived in that country by a permanent establishment of an American corporation.

Article 4 of the convention governs the credit which will be allowed by each of the countries for taxes paid to the other country. Pursuant to its provisions, the amount of tax allowed as a credit will be based upon the amount of Trinidad and Tobago tax paid, but "shall not exceed that portion of U.S. tax which net income from sources within Trinidad and Tobago bears to the entire net income."

Mr. President, the Committee on Foreign Relations held a public hearing on these two conventions, as well as the convention with Brazil, on October 5, 1967. Nobody appeared in opposition to the two pending conventions and so far as I am aware there is no objection to either of them.

I wish to emphasize that neither of these conventions contain any provisions which would in any way alter constitutional relationships between the Federal Government and the States. In this connection, I ask unanimous consent that an exchange of letters dealing with this question be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
THE LEGAL ADVISER,
Washington, October 27, 1967.

Hon. CARL MARCY,
Chief of Staff, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR CARL: Your letter dated October 25, 1967, inquired whether the income tax conventions with Brazil and Trinidad and Tobago, and the supplementary income tax convention with Canada now pending before the Foreign Relations Committee in any way alter the existing constitutional relationships between the Federal Government and the States of the Union.

The conventions are designed to benefit taxpayers by protecting them from double and discriminatory taxation by either contracting party. They are not intended to, and we conclude that they do not, enlarge in any way the powers of the United States or limit the powers of the several States reserved to them by the Constitution.

Sincerely yours,

LEONARD C. MEEKER.

OCTOBER 25, 1967.

Mr. LEONARD MEEKER,
Legal Adviser, Department of State, Washington, D.C.

DEAR LEN: I refer to the tax conventions with Brazil and Trinidad and Tobago, and the supplementary tax convention with Canada.

Several days ago when these conventions were discussed by the committee, the question arose as to whether they contain any provisions which would in any way alter the constitutional relationships between the Federal Government and the States. I was directed to ask you, therefore, whether any of the provisions of these treaties can be considered in any way as enlarging the powers of the Federal Government of the United States or limiting the powers of the several States of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several States?

It would be appreciated if your office would analyze the enclosed treaties and furnish me with your comments on this inquiry at an early date.

Sincerely yours,

CARL MARCY.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (Ex. Rept. No. 18), explaining the conventions.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUPPLEMENTARY TAX CONVENTION WITH CANADA

A. Background

The supplementary convention with Canada was signed on October 25, 1966, and submitted to the Senate on January 25, 1967. It will supplement the existing 1942 convention between the United States and Canada, as modified by the supplementary conventions of 1950 and 1956.

B. Purpose

This supplementary convention contains one substantive article, the purpose of which is to add a new paragraph to article XI of the 1942 convention dealing with taxes imposed by one country on income derived from sources within the other country. Paragraph 1 of article XI reads as follows:

"The rate of income tax imposed by one of the contracting States, in respect of income (other than earned income) derived from sources therein, upon individuals residing in, or corporations organized under the laws of, the other contracting State, and not having a permanent establishment in the former State, shall not exceed 15 percent for each taxable year."

The pending supplementary convention would modify article XI by adding the following new paragraph:

"Paragraph 1 of this Article shall not apply in respect of income derived from sources in one of the Contracting States and paid to a corporation organized under the laws of the other Contracting State if such corporation is not subject to tax by the last-mentioned Contracting State on that income because it is not a resident of the last-mentioned Contracting State for purposes of its income tax."

The effect of this new paragraph is to eliminate preferential treatment accorded to persons living outside both countries who receive investment income from the United States at substantially reduced tax rates. This preferential treatment results from the interaction of article XI, which reduces from 30 to 15 percent the U.S. withholding-tax rate on investment income flowing to Canadian corporations, and the domestic law of

Canada, which exempts a Canadian company from tax on income from outside that country if the company is managed and controlled abroad. The result has been to allow third country residents to use Canadian companies as a device to avoid American taxes.

C. Date of entry into force

Pursuant to the provisions of article II, the supplementary convention with Canada will enter into force on the date the instruments of ratification are exchanged. It will have effect with respect to income paid on or after January 1, 1967, or the date the instruments of ratification are exchanged, whichever is the later.

II. TAX CONVENTION WITH TRINIDAD AND TOBAGO

A. Background

The 1945 income tax convention between the United States and the United Kingdom, as modified by various supplementary protocols, was extended in its application to Trinidad and Tobago as of January 1, 1959. Trinidad and Tobago became independent in 1962, and, in 1965, notified the U.S. Government of its intention to terminate the application of the 1945 convention, as modified.

Discussions on the pending convention were begun in October 1965. It was signed on December 22, 1966, and submitted to the Senate on February 23, 1967. It is limited in scope and will eventually be replaced by a more comprehensive income tax convention between the United States and Trinidad and Tobago.

B. Provisions of convention

This convention consists of five articles, only two of which contain substantive provisions. According to the executive branch, it is designed primarily as an interim measure to permit corporations of one of the countries to receive dividends from their subsidiary corporations operating in the other country at a reduced rate of withholding tax. The existing internal law of the United States and Trinidad and Tobago provides that dividends paid by a corporation of one country to a resident of the other country are subject to a 30-percent withholding tax. Under certain conditions, the convention will have the effect of reducing this withholding rate to 5 percent with respect to such dividends.

Trinidad and Tobago imposes a corporation tax at a rate of 44 percent. In addition, under its Finance Act of 1966, it imposes a tax of 30 percent on profits derived in that country by a permanent establishment of a U.S. corporation, unless such profits are invested within Trinidad and Tobago. This convention will have the effect of reducing from 30 to 5 percent the Trinidad and Tobago tax on profits (after payment of the 44-percent corporation tax) derived in that country by a permanent establishment of an American corporation.

Article 4 of the convention governs the credit which will be allowed by each of the countries for taxes paid to the other country. Pursuant to its provisions, the amount of tax allowed as a credit will be based upon the amount of Trinidad and Tobago tax paid, but "shall not exceed that portion of U.S. tax which net income from sources within Trinidad and Tobago bears to the entire net income."

C. Date of entry into force

In accordance with the provisions of article 5, this convention will enter into force on the date that instruments of ratification are exchanged. It is agreed, however, that all necessary steps will be taken to make the provisions effective from January 1, 1966. Article 5 also states that the convention shall terminate on December 31, 1967, unless the two countries agree by an exchange of notes to continue it in force during the following year.

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on three tax conventions, one with Brazil, another with Canada, and one with Trinidad and Tobago, on October 5, 1967. This hearing has been printed for the information of the Senate and the general public.

Testimony in support of the supplementary convention with Canada and the convention with Trinidad and Tobago was received from Mr. Stanley S. Surrey, Assistant Secretary of the Treasury. Mr. Lawrence N. Woodworth, chief of staff, Joint Committee on Internal Revenue Taxation, also testified and submitted a memorandum on each of the conventions. The memorandums on the Canada and Trinidad and Tobago conventions are reproduced in the appendix to this report along with the formal statement presented by Assistant Secretary Surrey.

The pending conventions were considered by the committee in executive session on October 23 and October 31. On the latter date, the conventions with Canada and with Trinidad and Tobago were ordered reported with the recommendation that the Senate give its advice and consent to their ratification.

The PRESIDING OFFICER. Without objection, the two conventions will be considered as having passed through their various parliamentary stages up to the point of consideration of the resolutions of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and Trinidad and Tobago for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, and the encouragement of international trade and investment, signed at Port of Spain on December 22, 1966 (Executive F, 90th Congress, 1st Session).

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Supplementary Convention between the United States of America and Canada, signed at Washington on October 25, 1966, further modifying and supplementing the convention and accompanying protocol of March 4, 1942, for the avoidance of double taxation and the prevention of fiscal evasion in the case of income taxes, as modified by the supplementary conventions of June 12, 1950, and August 8, 1956 (Executive B, 90th Congress, 1st Session).

NOMINATIONS

Mr. MANSFIELD. Mr. President, while the Senate is in executive session I ask that the Senate proceed to the consideration of nominations on the Executive Calendar, beginning with the National Library of Medicine.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LIBRARY OF MEDICINE

The legislative clerk read the nomination of Bruno W. Augenstein, of Virginia, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for a term expiring August 3, 1971.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service, which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

POVERTY PROGRAM JEOPARDIZED BY LACK OF FUNDS

Mr. JAVITS. Mr. President, the Permanent Investigations Subcommittee, of which I am a member, has just begun its extensive investigation into the causes of recent riots in American cities. While many factors have interacted to cause this urban upheaval, primary among them is the grinding and often hopeless poverty which characterizes the life of many of our citizens.

Three years ago, we took bold and imaginative steps to root out that poverty and we have invested billions of dollars in programs which are only now beginning to bear fruit. Because these efforts are so vital to the life and growth of the Nation, and because they have only begun to expand opportunities and raise the level of human dignity of the poor, it is particularly distressing to read in this morning's New York Times that the very existence of some programs is threatened because of the legislative log-jam in the Congress.

We face a very trying situation on the question of legislation in the poverty field because the authorizing legislation is tied up in the House of Representatives. The interim resolution permitting spending at last year's rate is deadlocked in a Senate-House conference. There is the gravest danger that programs so painfully put together in the poverty field will be dismantled.

I call attention to the fact, as stated in the news article to which I have referred, that 35 local poverty programs serving 500,000 poor people will have to shut down in the next 3 weeks unless Congress agrees to fund them. The authority for that statement is the OEO itself.

Each body of Congress is always respectful of the other body. I speak most

respectfully. I express only the deep hope that those who favor—and they are in the majority in both Houses—the continuation of the war on poverty should not allow disaster to strike because of sheer inaction and inability to find a way out of the current deadlock; first, in the other body through authorizing legislation and, second, in the matter of a continuing resolution in both bodies.

Yesterday, the Office of Economic Opportunity warned that 38,600 boys and girls in the Job Corps will shortly be without money for food. Community action programs, including one in Jersey City which serves 10,000 families will be forced to discontinue operations, and the 2,800 workers at agency headquarters in Washington face a payless payday on November 14.

Mr. President, we could experience a major disaster that would negate and erode from under our feet everything that we have tried to do, programs for which we have appropriated hundreds of millions of dollars which has been spent with excellent results.

It is like building a bridge with one footing missing. If the programs are dismantled and eroded, it will cost much more money to restore them, if they can be restored at all.

The enormous disappointment and frustration of the poor people who feel that they are now on a solid road is a matter which ought to be on the conscience of everybody.

I urge my colleagues in the Senate—and especially those in the House of Representatives—to come to an agreement on the authorizing legislation so that we may not, by sheer inaction, destroy the very thing which it has taken so much creativity and sacrifice to build.

I urge the Members of the other body to keep in mind the potentially disastrous upheaval which would be caused by the failure of Congress to timely appropriate the necessary funds, and I ask unanimous consent that an article from the New York Times describing the situation be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUND LACK PERILS 35 POVERTY PLANS—CLOSING IN 3 WEEKS LIKELY UNLESS CONGRESS ACTS

(By Nan Robertson)

WASHINGTON, November 1.—Thirty-five local poverty programs serving 500,000 poor people will have to shut down within the next three weeks unless Congress agrees to fund them, the antipoverty agency said today.

The Office of Economic Opportunity also warned that 38,600 boys and girls training in Job Corps camps would be living on "off the shelf" supplies such as food until Congress came through with money.

The community action programs in immediate danger, which may have to close this week, include one in Jersey City that serves 10,000 families and spends $2.3-million a year.

Meantime, the 2,800 workers at agency headquarters here and at seven regional offices face a payless payday Nov. 14; the staff members have been working as volunteers since Oct. 23, when a Congressional "continuing resolution" expired and money was cut off.

Asked what the reaction of local poverty boards would be to the mounting uncertainty and confusion in Congress about the future of poverty programs, one high official replied:

"I frankly say that some of them are going to say 'the hell with it' and throw in the towel."

SHAKY MORALE FOUND

Don I. Wortman, associate director for operations for community action programs, spoke of increasingly shaky morale in Washington and in the field, with some employes looking for work elsewhere. Since the poverty agency's authority to spend has ended, at least temporarily, Mr. Wortman said, local programs will have to be "bailed out" by Mayors, community chests or sympathetic banks.

Such loans could not legally be guaranteed by the Federal Government at this time.

Normally, about 75 local community action agencies out of 1,056 across the nation would come up for refunding during November, but about 40 have some money left to keep going for a while, Mr. Wortman said. The 35 that have almost run out of cash would have received a total of $28-millon this month from the Government.

ALREADY $2.75 MILLION OWED

Those that would have to close by Friday of this week include the Jersey City project; the Shasta County Community Action program in Redding, Calif.; projects in Fremont County, Mesa County and San Luis, Colo.; Big Sandy, Ky.; Baldwin, Mich.; and Manistee, Mason, Lake and Newago Counties, also in Michigan.

William P. Kelly, director of the Job Corps, said his agency already owed $2.75 million to the contractors who run the Job Corps centers. That agency does not advance money to its contractors; they bill the Job Corps for goods and services and are then reimbursed.

"How long they will be willing to give us the credit I am not prepared to say," Mr. Kelly said. "But you have to remember, if they have to borrow to meet their bills, we cannot reimburse them for the interest they must pay. This cuts down on their already small profit, and they are businessmen."

In the Neighborhood Youth Corps, 134 projects in which 39,000 young people are engaged are due for renewal by the end of this month. Twenty-six should have been refunded today.

On Capitol Hill, about 35 Southern Democrats, most of them hard-core conservatives, caucused this afternoon on the $2.6-billion House poverty authorization bill. They were briefed on its particulars by Sam M. Gibbons of Florida, a key member of the House Education and Labor Committee, which reported out the bill Oct. 20. It is scheduled to go to the House floor for debate early next week.

Mr. Gibbons reported after today's meeting that there was little chance that the group would accept the bill under any circumstances. And Thomas G. Abernethy of Mississippi said as he entered the conference room:

"You can say that even after 15 calls from Head Start officials of the preschool poverty program, I'm still unalterably opposed to the bill."

The legislation will undoubtedly run into a bitter battle on the House floor. One member of today's Southern caucus, Walter B. Jones of North Carolina, predicted that the antipoverty bill would be "torn apart" next week in debate.

Any bill passed by the House would then face an even stiffer fight in joint House-Senate conference committee sessions. The Senate passed a strong antipoverty bill, authorizing $2.25 billion in funds for the agency, early last month.

ESTABLISHMENT OF THE NORTH CASCADES NATIONAL PARK AND ROSS LAKE NATIONAL RECREATION AREA—DESIGNATION OF THE PASAYTEN WILDERNESS—AND MODIFICATION OF THE GLACIER PEAK WILDERNESS, STATE OF WASHINGTON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 683, Senate 1321.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1321) to establish the North Cascades National Park and Ross Lake National Recreation Area, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 7, after the word "numbered" strike out "NP CAS 7000," and insert "NP–CAS–7002,"; in line 8, after the word "dated" strike out "February" and insert "October"; in the heading in line 13 after the word "LAKE", insert "AND LAKE CHELAN"; in the heading in line 14, after the word "RECREATION" strike out "AREA" and insert "AREAS"; on page 3, at the beginning of line 1, strike out " 'national recreation area' ", and insert " 'Ross Lake National Recreation Area' "; after line 2, insert a new section, as follows:

SEC. 202. In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The waters within the area designated "Lake Chelan National Recreation Area" on the map referred to in section 101 of this Act.

In line 17, after the word "recreation', strike out "area", and insert "areas,"; in line 20, after the word "or" where it appears the second time, strike out "exchange.", and insert "exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act."; on page 4, line 4, after the word "recreation" strike out "area" and insert "areas"; in line 6, after the word "recreation" strike out "area" and insert "areas"; in line 12, after the word "recreation" strike out the word "area" and insert "areas"; in line 24, after the word "recreation" strike out "area," and insert "areas,"; on page 5, line 20, after the word "recreation" strike out the word "area" and insert "areas"; on page 6, line 5, after the word "recreation" strike out the word "area," and insert "areas,"; in line 12, after the word "recreation" strike out the

word "area," and insert "areas,"; in line 15, after the word "such" insert "reasonable"; in line 18, after the word "recreation", strike out "area" and insert "areas"; at the beginning of line 22, strike out the word "area" and insert "areas"; on page 7, line 2, after the word "recreation" strike out the word "area." and insert "areas."; in line 9, after the word "recreation" strike out "area" and insert "areas"; in line 13, after the word "the" strike out "boundary" and insert "boundaries"; in line 14, after the word "recreation" strike out "area" and insert "areas"; after line 23 insert:

(e) The Secretary shall not permit the construction or use of any road within the park which would provide vehicular access from the North Cross State Highway to the Stehekin Road. Neither shall he permit the construction or use of any permanent road which would provide vehicular access between May Creek and Hozomeen along the east side of Ross Lake.

On page 8, line 9, after the word "recreation", strike out "area" and insert "areas" in line 15, after the word "recreation", strike out "area" and insert "areas"; after line 23, insert a new section, as follows:

SEC. 503. Nothing in this Act shall be construed to affect adversely or to authorize any Federal agency to take any action that would affect adversely any rights or privileges of the State of Washington in property within the Ross Lake National Recreation Area which is being utilized for the North Cross State Highway.

On page 9, at the beginning of line 5, change the section number from "503" to "504"; in line 8, after the word "recreation" strike out "area" and insert "areas"; in line 9, after the word "recreation", strike out "area" and insert "areas"; in line 10, after the word "for", insert "public use facilities and for"; in line 14, after the word "two" strike out "Secretaries." and insert "Secretaries, and such public use facilities, including interpretive centers, visitor contact stations, lodges, campsites, and ski lifts, shall be constructed according to a plan agreed upon by the two Secretaries."; at the beginning of line 18, change the section number from "504" to "505"; in line 22, after the word "recreation" strike out "area" and insert "areas."; and at the beginning of line 23, change the section number from "505" to "506"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NORTH CASCADES NATIONAL PARK

SEC. 101. On order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snow fields, glaciers, alpine meadows, and other unique natural features in the North Cascade Mountains of the State of Washington, there is hereby established, subject to valid existing rights, the North Cascades National Park (hereinafter referred to in this Act as the "park"). The park shall consist of the lands, waters, and interests therein within the area designated "national park" on the map entitled "Proposed Management Units, North Cascades, Washington," numbered NP–CAS–7002, and dated October 1967. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Chief, Forest Service, Department of Agriculture.

TITLE II—ROSS LAKE AND LAKE CHELAN NATIONAL RECREATION AREAS

SEC. 201. In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Ross Lake National Recreation Area" on the map referred to in section 101 of this Act.

SEC. 202. In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Lake Chelan National Recreation Area" on the map referred to in section 101 of this Act.

TITLE III—LAND ACQUISITION

SEC. 301. Within the boundaries of the park and recreation areas, the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act. Lands owned by the State of Washington or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries of the park and recreation areas is hereby transferred to the administrative jurisdiction of the Secretary for administration by him as part of the park and recreation areas. The national forest land within such boundaries is hereby eliminated from the national forests within which it was heretofore located.

SEC. 302. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park and recreation areas and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Washington which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 303. Any owner of property acquired by the Secretary which on the date of acquisition is used for agricultural or single-family residential purposes, or for commercial purposes which he finds are compatible with the use and development of the park or the recreation areas, may, as a condition of such acquisition, retain the right of use and occupancy of the property for the same purposes for which it was used on such date, for a period ending at the death of the owner or the death of his spouse, whichever occurs later, or for a fixed term of not to exceed twenty-five years, whichever the owner may elect. Any right so retained may during its existence be transferred or assigned. Any right so retained may be terminated by the Secretary at any time after the date upon which any use of the property occurs which he finds is a use other than one which existed on the date of acquisition. In the event the Secretary terminates a right of use and occupancy under this section, he shall pay to the owner of the right the fair market value of the portion of said right which remains unexpired on the date of termination.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. The Secretary shall administer the park in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 402. (a) The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interest in lands within the recreation areas in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of non-leasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation areas in accordance with applicable laws of the United States and of the State of Washington, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Department of Game of the State of Washington.

(e) The Secretary shall not permit the construction or use of any road within the park which would provide vehicular access from the North Cross State Highway to the Stehekin Road. Neither shall he permit the construction or use of any permanent road

which would provide vehicular access between May Creek and Hozomeen along the east side of Ross Lake.

TITLE V—SPECIAL PROVISIONS

SEC. 501. The distributive shares of the respective counties of receipts from the national forests from which the national park and recreation areas are created, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended (16 U.S.C. 500), shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

SEC. 502. Where any Federal lands included in the park or recreation areas are legally occupied or utilized on the effective date of this Act for any purpose, pursuant to a contract, lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such privileges to continue in the exercise thereof, subject to the terms and conditions thereof, for the remainder of the term of the contract, lease, permit, or license or for such longer period of time as the Secretary deems appropriate.

SEC. 503. Nothing in this Act shall be construed to affect adversely or to authorize any Federal agency to take any action that would affect adversely any rights or privileges of the State of Washington in property within the Ross Lake National Recreation Area which is being utilized for the North Cross State Highway.

SEC. 504. Within two years from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall agree on the designation of areas within the park or recreation areas or within national forests adjacent to the park and recreation areas needed for public use facilities and for administrative purposes by the Secretary of Agriculture or the Secretary of the Interior, respectively. The areas so designated shall be administered in a manner that is mutually agreeable to the two Secretaries, and such public use facilities, including interpretive centers, visitor contact stations, lodges, campsites, and ski lifts, shall be constructed according to a plan agreed upon by the two Secretaries.

SEC. 505. Nothing in this Act shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1083), as amended (16 U.S.C. 791a et seq.), in the recreation areas.

SEC. 506. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of titles I through V of this Act.

TITLE VI—WILDERNESS

SEC. 601. (a) In order to further the purposes of the Wilderness Act, there is hereby designated, subject to valid existing rights, the Pasayten Wilderness within and as a part of the Okanogan National Forest and the Mount Baker National Forest, comprising an area of about five hundred thousands acres lying east of Ross Lake, as generally depicted in the area designated as "Pasayten Wilderness" on the map referred to in section 101 of this Act.

(b) The previous classification of the North Cascades Primitive Area is hereby abolished.

SEC. 602. The boundaries of the Glacier Peak Wilderness, an area classified as such more than thirty days before the effective date of the Wilderness Act and being within and a part of the Wenatchee National Forest and the Mount Baker National Forest, subject to valid existing rights, are hereby extended to include portions of the Suiattle River corridor and the White Chuck River corridor on the western side thereof, comprising areas totaling about ten thousand acres, as depicted in the area designated as "Additions to Glacer Peak Wilderness" on the map referred to in section 101 of this Act.

SEC. 603. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Pasayten Wilderness and of the Glacier Peak Wilderness, as hereby modified, with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical or typographical errors in such legal descriptions and maps may be made.

(b) Upon the filing of the legal descriptions and maps as provided for in subsection (a) of this section the Pasayten Wilderness and the additions to the Glacier Peak Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act and thereafter shall be subject to the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 604. Within two years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the North Cascades National Park, including the Picket Range area and the Eldorado Peaks area, and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the park for preservation as wilderness and any designation of any such area as a wilderness area shall be accomplished in accordance with said subsections of the Wilderness Act.

Mr. JACKSON. Mr. President, it is with great personal pleasure that I bring before the Senate the bill S. 1321, authorizing establishment of the North Cascades National Park, the Lake Ross and Lake Chelan National Recreation Areas, the Pasayten Wilderness, and making additions to the Glacier Peak Wilderness in the State of Washington.

The North Cascades is an area I hiked and explored as a boy. Each time I return I gain a new appreciation of its natural beauty and its power to impress the spirit.

The State of Washington is blessed with a marvelous variety of resources, geography, and climate—from the rain forests of the Olympic Peninsula on the west to semi-arid rangelands on the east. Puget Sound is the great natural harbor around which has grown the metropolitan complex inhabited by the majority of our people. The mighty Columbia River is the aorta of our State's commerce, agriculture, and industry. But perhaps the most distinctive and unforgettable feature of all is the Cascade Mountain Range itself—the watershed of the Pacific Northwest.

Eons ago a massive crustal uplift literally turned this area on edge, exposing granite peaks and ridges so durable they remain today largely as they were following retreat of the great glacier. In more recent times, volcanic activity raised the bulky cones of Baker, Rainier, Adams, and St. Helens—so familiar to all Washingtonians.

Because the high Cascades are in close proximity to flows of moist air from the Pacific, seasonal precipitation has always been heavy on the western slopes. The combination of climate and geography formed great glaciers which have gouged U-shaped valleys as they grind inexorably toward the lowlands.

The result is an imposing display of more than 100 jagged mountain peaks which rise over 6,000 feet from the floors of surrounding valleys. Pressing the sides of these peaks are more than 150 active glaciers. Cradled in the high mountain country are hundreds of icy glacier-fed crystal-clear lakes. Alpine meadows, cascading streams, and evergreen-clad valleys decorate the scene. The National Park Service has described the whole as "an array of alpine scenery unmatched in the United States."

The first white men to penetrate the North Cascades were undoubtedly trappers and hunters—the "mountain men" who captured the imagination of the land-hungry East in the mid-1800's. They found the rugged peaks, mellow valleys, glaciers, cascading streams, and forested foothills much as they exist today. About 1850, prospectors found gold and other metallic ores in the mountains, and there followed a surge of miners and fortune seekers. Small mining operations sprung into existence over much of the area, and a few large commercial mining operations extracted gold, iron, lead, copper, chromium, and other minerals, making significant contributions to the economies of several communities.

The value of the heavily forested foothills and valleys was recognized then, but it was decades before large-scale commercial logging, which characterizes the industry today, was begun.

The abundant supply of cold, rushing water, largely from melting snowfields and glaciers, has become an important source of hydroelectric power. The first hydroelectric project in the North Cascades was the Gorge Dam powerhouse, built in 1924 by Seattle City Light, the municipal utility of Washington's largest city. Since that time, some 20 additional projects have been constructed in the area, including works at Lake Chelan and the dams which created Ross Lake and Diablo Lake.

The lands in the North Cascades became part of the public domain when the United States established title to the Oregon Territory in 1846. In the 1890's most of these lands were placed in forest preserves, and from these preserves the Mount Rainier National Park was created in 1899. In 1905 the preserves were transferred from the General Land Office in the Department of the Interior to the newly created Forest Service in the Department of Agriculture, and were made part of the national forest system. One year later, the first proposal for a national park in the North Cascades was set forth by the Mazamas Club for the Lake Chelan region. In the 61 years since, there have been many proposals, some introduced in Congress as park bills. In 1937 the National Park Service made a comprehensive study of the area and reported that—

Such a Cascade park would outrank in its scenic, recreational, and wildlife values any existing national park and any other possibility for such a park within the United States.

The study report of the North Cascades study team, appointed by the Secretary of the Interior and the Secretary of Agriculture in 1963, stated:

> Here occurs the most breathtakingly beautiful and spectacular mountain scenery in the 48 continguous States.

I want to point out to my colleagues that the bill before us is not an ordinary or even an extraordinary national park bill. It is truly a regional bill. The committee, in its hearings and investigations, verified the findings of the study team that the greatest potential for this relatively untouched region was outdoor recreation. To be sure many persons differed in specifics as to how this potential should best be managed, but there was widespread agreement that protective administration was needed.

I believe the administration and the committee have pieced together a complex of management units which will keep this area forever a scenic masterpiece. The rugged Picket Range—Mount Shuksan area and the Eldorado Peaks area—the mountain wilderness heartland—will comprise the North Cascades National Park. The park will encompass 504,500 acres, which will be studied in accordance with provisions of the Wilderness Act for specific recommendations to the Congress for wilderness classification within the park.

The Ross Lake National Recreation Area will include the awe-inspiring Skagit River Valley, with its beautiful reservoirs reflecting the snowcapped surrounding mountains. Traversing this 105,000-acre national recreation area will be the North Cross State highway, now under construction. The only transmountain highway in the area affected by the bill, it will bring millions of visitors from West and East. Specific language in S. 1321 makes it clear that this highway will remain under the unhampered jurisdiction and control of the State of Washington.

The lower Stehekin River Valley and the northernmost banks of Lake Chelan will be in the Lake Chelan National Recreation Area of some 62,000 acres. Access to this pristine and lightly inhabited valley is by foot, horseback, air or on the waters of the fjord-like Lake Chelan. No road from the outside penetrates the area, and specific language in the bill is designed to maintain the character of the Stehekin Valley by prohibiting road access. Lake Chelan, some 1,500 feet deep and 55 miles long, lies in a glacial gorge 8,500 feet deep from ridge crest to lake bottom.

To the east of the Ross Lake National Recreation Area is the remainder of what has been until now the North Cascades Primitive Area. The bill would designate this 520,000 acres of the Pasayten Wilderness under the continued management of the U.S. Forest Service. This roadless area has enjoyed protective designation since 1935, when it was designated a primitive area by the Secretary of Agriculture. The geology of this wilderness is somewhat mellower than that within the park and recreation areas, and the climate is drier. The Pasayten has long been a favorite area for backpackers, packtrain trips, and wilderness biggame hunting.

To the south of the North Cascades National Park and the Lake Chelan National Recreation Area is the Glacier Peak Wilderness designated by the Secretary of Agriculture and confirmed with the passage of the Wilderness Act of 1964. The bill would add some 10,000 acres to this wilderness to include additional portions of two river corridors—the Suiattle and White Chuck.

Language in the committee report expresses the committee's concern that the approaches to the Glacier Peak Wilderness just west of the additions in the bill should be managed by the Forest Service under their landscape management policy to assure a scenic buffer for entrance to the wilderness.

The committee adopted a number of amendments which dealt with matters brought to our attention in the extensive public hearings conducted on this legislation. The North Cascades study team itself conducted on-the-scene hearings in Wenatchee, Mount Vernon, and Seattle in October 1963. Following submission of the study team report, I presided at a 2-day Interior Committee hearing in Seattle at which several hundred witnesses appeared or submitted statements. The transcript of this hearing was made available to the administration for consideration in drafting legislation.

After introduction of the bill by my senior colleague, Senator MAGNUSON, and me, the Parks and Recreation Subcommittee under the able chairmanship of the Senior Senator from Nevada [Mr. BIBLE] conducted hearings in Washington, D.C., in April of this year and at Seattle, Mount Vernon, and Wenatchee in May. A field inspection of the area was undertaken at the time of the May hearings so members of the committee could view in person the magnificence and uniqueness of the area affected by the legislation.

Mr. President, the major amendments adopted by the committee included changing the proposed status of the lower Stehekin Valley area to national recreation area rather than including it within the park. The most important result of this change will be continuation of the historic use of this area for hunting. In addition, recreation area status will be more compatible with the existing private landownership in the area and with the development of improved fishing opportunities by the Washington State Department of Game.

Language in the bill gives statutory authority to the policy of the National Park Service that it will not acquire lands within the Lake Chelan and Ross Lake Recretation Areas without the consent of the owner so long as existing uses of these private lands are not altered in a manner inconsistent with the recreation area purpose.

The bill authorizes the Secretary of the Interior to enter into a cooperative agreement with the Washington State Department of Game for the management of the fish and game resources of the recreation areas. The committee report further states the committee's expectation that such an agreement will be made. A State hunting license will be required within the recreation areas, and a State fishing license in both the recreation areas and the North Cascades National Park.

Subsequent to the introduction of S. 1321, Seattle City Light filed an application with the Federal Power Commission to construct a storage reservoir on Thunder Creek within the boundaries of the proposed national park. The committee has readjusted the boundaries to include this site within the Ross Lake National Recreation Area only for the purpose of not prejudging the issues which will be before the FPC. While this application is pending and in the event the FPC determines that a license will not be granted, the committee expects this area to be administered by the National Park Service as if it were within the park boundaries. The Congress may wish to reconsider this matter in the future in the light of future circumstances.

The committee adopted an amendment adding to the new Pasayten Wilderness Area some 22,000 acres to the east in the Windy Peak-Horseshoe Basin area which were not included in the original bill. Recent information from the Forest Service indicated that previous estimates of timber volume in that area were inaccurate. On the basis of the new information, the committee concluded that the highest and best use of that area would be under wilderness management.

The committee also extended the boundaries of the Ross Lake National Recreation Area to the west down the Skagit River to include approximately 4,200 acres encompassing the site of the proposed Chopper Creek Dam and Reservoir of Seattle City Light. This is in accordance with a request from the municipal utility that the entire dam and reservoir site, rather than just a portion, be within the recreation area.

The committee added language in the bill requiring joint studies by the Agriculture Department and Interior Department of opportunities for development of public use facilities. Particular reference is made to ski lifts, and the committee report points out the desirable sites for ski development may be found on the periphery of the national park, within the recreation areas, or in adjacent areas of the national forest. These areas should be studied and developed on a cooperative basis. As far as I am aware, this is the first time that a national park authorization bill has included specific authorization for the construction of permanent ski lifts. This is not inconsistent with park policy. Permanent ski lifts are operating already in Rocky Mountain, Yosemite, and Lassen National Parks.

A number of individuals and organizations in testimony before the committee advocated adding more of the Cascade River Valley to the park. The committee did not adopt this proposal. However, it is the committee's understanding that Forest Service plans call for management of the scenic approach to the park through this scenic valley under their landscape management policy. Similarly, the committee has recognized the plans

and policy of the Forest Service to manage the Mount Baker recreation area and the Granite Creek area in like manner.

Mr. President, the committee report deals at length with the concerns expressed as to the impact of S. 1321 on commercial and industrial activity. This is a valid concern in my State, where the forest products industry is so important to us and where mining may have great potential.

The U.S. Forest Service, which has managed and guarded this area so ably for many years, has provided information, set forth in the committee report, which indicates their view that passage of this legislation will not result in a net decrease in commercial timber available to the industry. There are no operating mines within the area affected by this bill.

Mr. President, S. 1321 represents the results of exhaustive study and wide airing of the conservation issues involved. I urge my colleagues to approve the bill as recommended by the Committee on Interior and Insular Affairs.

Before I conclude my remarks, I wish to state that the main staff responsibility for the pending measure has been carried by my able administrative assistant, Mr. Sterling Munro. It was his skill and expertise that made possible the unanimous vote of approval by the Committee on Interior and Insular Affairs. In all of this activity, he was ably assisted by the committee staff director, Mr. Jerry T. Verkler, and our professional staff expert on forestry matters, Mr. Richard K. Griswold.

My distinguished senior colleague [Mr. MAGNUSON] is in the State of Washington today on official business and regrets his not being able to be present on the floor of the Senate in connection with the pending measure. I ask unanimous consent that a statement by Senator MAGNUSON be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

The United States is at that stage of its development where affirmative action must be taken to preserve for posterity a part of the nation's natural resources. It is imperative that this action be taken now before industrial expansion, together with population growth, make such preservation an impossibility.

It was for these basic reasons that I was very happy to join with Senator Jackson in co-sponsoring the North Cascades Park bill this year.

Senator Jackson and the Committee on Interior have been deluged with suggestions from hunters, conservationists, fishermen, loggers, homeowners, farmers, skiers, mining companies, highway builders, and disinterested, but concerned, citizens. Each group naturally had its own ideas on how this area of the country should be utilized. The task of the Interior Committee was extremely difficult and it was probably impossible for anyone to develop legislation which would accommodate all those who have an interest in the North Cascades. Despite the monumental obstacles, the Committee under the leadership of its very distinguished Chairman, has produced a very fine bill. It is difficult for me to conceive of any legislation covering this part of the country which would better serve the public interest.

Let me briefly run through some of the positive contributions which this legislation will make.

The establishment of the Lake Chelan National Recreational Area will preserve for the hunters of the country an area which has been traditionally open to hunting. The designation of this area as a recreational area will also assist in preserving the rights of those homeowners who now live there. In addition, of course, the remainder of the public will have the opportunity to enjoy the benefits which accrue from visiting the area.

The bill, while protecting a beautiful part of the State from any man-made violation, will not include within its boundaries any traditional grazing areas which farmers in the State of Washington have customarily used.

The development of new ski areas will be enhanced by this legislation.

For those who are interested in preserving some of the most untamed and unmolested parts of the region, the bill will add considerable acreage to the Pasayten Wilderness area.

The addition of the Ross Lake and Lake Chelan Recreation Areas will provide logging companies with a new source of timber which may be harvested under certain controlled conditions.

With these very brief comments, I would like to say again that I, for one, certainly appreciate the arduous task which was undertaken by Senator Jackson and the Interior Committee and I commend them for discharging their obligation to the Nation and to the Senate in such an outstanding manner.

Mr. KUCHEL. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am happy to yield to the able senior Senator from California.

Mr. KUCHEL. Mr. President, the report of the Committee on Interior and Insular Affairs on the pending bill reads, in part:

The proposed North Cascades National Park and the Ross Lake and Lake Chelan National Recreation Areas encompass an array of alpine scenery unmatched in the United States. Deep glaciated canyons, more than 150 active glaciers, hundreds of jagged peaks, mountain lakes, and plant communities characterize this section of the Cascade Range.

It was 30 years ago that a comprehensive study was first undertaken by agents of the Government of the United States with respect to the possibility of creating a park in California's sister State of Washington. The able Senator from Washington, the chairman of the Committee on Interior and Insular Affairs [Mr. JACKSON] indicated earlier in his comments to the Senate that the proposal encompassed in S. 1321 is a regional one rather than one for the benefit of a single State alone. I agree.

I want to say for the people of the country and those who follow that this is a week in the U.S. Senate when history surely will have been made. The two Senators from Washington have introduced legislation which not only obtained unanimous approval by the members of the Committee on Interior and Insular Affairs, but was received with enthusiasm by all of us who listened in committee to the testimony of those who came forward to speak in behalf of the bill.

Yesterday the Senate approved the creation of a majestic redwood park for all the people of the country. Today the Senate is about to approve a park of similar majesty for the benefit of the American people now and hereafter. I merely wish to spread on the RECORD, as one who sits on the minority side, that this is the kind of action that surpasses any partisan or political concern. I am honored to stand beside my colleague, the chairman of the committee, for this brief moment to urge speedy approval of the bill which he and his colleague from Washington have introduced.

Mr. JACKSON. Mr. President, once again I wish to express my deep appreciation for the leadership and support that have been provided by the able senior Senator from California in the work of the Committee on Interior and Insular Affairs, with special reference to the preservation of our great natural resources. I must say that the bill passed yesterday and the bill we are considering today, and a long list—and I think it is an impressive list—of national park, wilderness area, and recreation area bills, have been made possible by the special efforts of the ranking minority member of our committee.

We have been able to report these bills on a purely bipartisan basis, and the bills have been thoroughly reviewed and carefully examined. The result has been that our votes in committee, with scarcely an exception, have been unanimous.

The able chairman of the Subcommittee on Parks and Recreation, the distinguished senior Senator from Nevada [Mr. BIBLE] has done yeoman work. He has had to carry the brunt of long and tedious hearings.

Mr. President, it has been the policy of our committee in connection with the establishment of such outdoor areas as national parks, recreation areas, and seashores, to hold hearings in the affected areas. This is not an easy task. As I say, the senior Senator from Nevada has carried the brunt of that requirement that has been laid down by the committee. We have in each instance had the benefit of the testimony of witnesses from the involved areas. I think this has made for better legislation.

Among the results of field hearings has been, in many cases, special provision to take care of people who have cottages or homes in the areas to be included within a national forest or recreation area. This has come to be known as the Cape Cod formula. The very equitable result has been that people who have lived in these areas for a long time are able to continue their habitat as long as there is no change in the use of the property which is contrary to the purposes of the established area.

This policy has been worked out as the result of a special effort made by the able senior Senator from Nevada.

Mr. President, I have very much enjoyed working with my able counterpart on the committee, the distinguished senior Senator from California [Mr. KUCHEL]. I think this Congress and previous Congresses can take great pride in the long list of constructive bills that have been passed that will affect millions of Americans for generations to come by virtue of Congress having adequately preserved and set aside areas

that should be set aside for national parks, recreation and wilderness areas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time and passed.

The title was amended, so as to read: "A bill to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes."

Mr. JACKSON. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senate has significantly enhanced the cause of conservation during the past 2 days by adopting two measures establishing national parks; the redwoods yesterday, North Cascades today. Both of these achievements represent outstanding additions to the already exemplary record of the Senator from Washington [Mr. JACKSON]. As the chairman of the Committee on Interior and Insular Affairs his consistent support for programs that would preserve this Nation's unspoiled beauty has been characterized with strong advocacy and tireless devotion. The Senate is deeply grateful for his efforts.

Of course, the Senator from California [Mr. KUCHEL], the ranking minority member of the committee, deserves similarly high praise. Particularly with regard to the passage yesterday of the redwoods bill, but no less so when North Cascades was before the Senate today, Senator KUCHEL demonstrated his effective skill and keen ability. He deserves the Senate's highest commendation.

Others joined to assure the Senate's successful endorsement of these national park proposals. Noteworthy were the efforts of the Senator from Utah [Mr. Moss], my colleague from Montana [Mr. METCALF], and the junior Senator from California [Mr. MURPHY].

The Senate is grateful also to the Senator from Louisiana [Mr. ELLENDER] who, yesterday—with the Senator from New Mexico [Mr. ANDERSON], the Senator from Mississippi [Mr. STENNIS], and others—did not agree entirely with the committee's version of the "redwoods" bill but nonetheless allowed the Senate to vote its will freely and expeditiously.

Again, to Senator JACKSON, Senator KUCHEL, and to all of the committee members goes the sincere appreciation of the Senate for again exhibiting their unstinting dedication to the preservation of those areas of our Nation whose beauty we cherish—a beauty that can be cherished by future generations because of their efforts.

ABM DEFENSE SYSTEM

Mr. THURMOND. Mr. President, the October 28, 1967, issue of the State newspaper in Columbia, S.C., publishes a commendable article entitled "Don't Be Half Safe." In this editorial Mr. W. D. Workman, Jr., discusses the debate on the antiballistic missile and points out the shortcomings of the "thin" ABM defense system designed primarily to protect the United States against Red China.

This editorial points out Secretary McNamara's fundamental error in believing that the Soviets will never strike the United States first. The Secretary believes that our assured destruction capability will prevent such an attack. Mr. Workman carefully reminds us that the Communists do not always behave rationally, and that there is an urgent need for America to stand on guard against irrational behavior of all Communists, no matter where they are.

In this regard the State newspaper warns that we should produce not only a limited ABM system, but that we should also proceed to the construction of a missile defense that will deter all of our enemies, not just the Red Chinese.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DON'T BE HALF SAFE

Now that we've all had a chance to consider Defense Secretary McNamara's proposal for a $5 billion anti-ballistic-missile (ABM) system, it's time to look dispassionately at what has actually been decided.

We're to have a "thin" ABM defense system designed primarily to protect us against Red China. Such a system will, at length, prove better than nothing—but not much, as we observed last month.

More to the point, now that a good deal of the flak has dispersed, is that we're *not* to have a defense system designed to protect us against Soviet Russia.

Anthony Harrigan, of the Charleston *News and Courier*, points out in the current *Washington Report* of the American Security Council:

"Development of a thin ABM line seems highly dangerous. When a free nation has the strongest possible defenses—defenses that inspire respect—there is little danger of attack by an aggressor. But a light line of defense always has aroused the ambitions of an aggressor. This was the case in the 1920's and 1930's, when advocates of arms limitation insisted that cutting down the size and number of American naval cruiser guns would create conditions of parity with Japan and cause that country to desist from its aggression. The effort had precisely the opposite effect."

The Joint Congressional Atomic Energy Committee has estimated that Red China *may* have an operational ICBM sometime before 1972. But the Soviets have operational ICBM's right now.

Moreover, the Soviets have multistage, solid-fuel, anti-ballistic-missile defenses already installed around Moscow.

Secretary McNamara's fundamental error is this: He believes the Soviets will never strike us first. He believes that "the assured destructive capability of both countries deters any nuclear exchange."

But Communists don't always behave rationally. Their thought processes aren't akin to ours. Often, they take risks that no normal Western man would take.

America needs to stand on guard against the irrational behavior of *all* Communists, whether they be Chinese, Russian, or Cuban.

A limited ABM system ought to be deployed, yes; but Congress ought to pressure the Defense Department into making it more of a deterrent to all our enemies—not simply the Red Chinese.

AIR WAR IN VIETNAM

Mr. THURMOND. Mr. President, recently, the Washington Post newspaper published an editorial criticizing our military leaders for their testimony before the Senate Preparedness Investigating Subcommittee hearings on the air war in Vietnam. In particular, this editorial criticized retired Maj. Gen. Gilbert L. Meyers, USAF, for his outspoken criticism of the administration in its conduct of the war.

It is refreshing to note in the October 30, 1967, issue of Aviation Week & Space Technology magazine an editorial in support of General Meyers. Editor Robert Hotz commended General Meyers for speaking out and highlighting the dangers of gradualism, targeting restrictions, sanctuary, and technical restrictions. General Meyers took direct issue with earlier testimony by Defense Secretary McNamara on the military value of targets recommended by the JCS but not approved by the White House. He pointed out the fallacy of comparing the output of Vietnam industry with U.S. industrial standards. It is significant to note that an attack on Phuc Yen, the main Mig 21 base in North Vietnam, was authorized by the administration only a few days before the public release of General Meyers' testimony.

I commend this editorial to my colleagues and further recommend a careful study of the entire report of the Preparedness Investigating Subcommittee on this vital subject.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN AIRMAN SPEAKS OUT

For the past year there has been a rising tide of criticism over the ineffectual way that U.S. airpower has been applied in North Vietnam. Initial complaints came from Air Force and Navy pilots who were flying what they termed politically-dictated missions against targets they regarded as militarily useless. During the past year, we added our voice to this criticism in two editorials—"Protecting the MiGs" (AW&ST Apr. 10, p. 21) and "An Ineffectual Strategy" (AW&ST May 15, p. 17). In the waning months of last

summer, a succession of top-ranking military leaders testifying to Congress confirmed most of the facts recited in both editorials.

Now, the most devastating expose of this incredible politically-dictated military strategy for the air war over North Vietnam has been provided by the man who was deputy commander of the 7th Air Force in Vietnam for 16 months—Maj. Gen. Gilbert L. Meyers. Gen. Meyers' testimony was given to the Preparedness Investigating Subcommittee of the Senate Armed Services Committee last August. But it has just been released publicly after passing through a Defense Dept. censorship mill. Gen. Meyers revealed a wealth of new specific details on the policies and procedures that have hamstrung the effective employment of air power over North Vietnam. His testimony goes far beyond anything on the public record to date. He confirms the earlier claims of many combat pilots that their comrades were being killed unnecessarily because of these restrictions and that these White House-directed policies have increased the cost of the war in blood and money and stretched its duration.

Gen. Meyers was able to present such a frank and devastating indictment of these policies primarily because he has retired from the Air Force and is no longer subject to the type of reprisal that has been inflicted on other dissenters still in uniform. We believe that Gen. Meyers' testimony is one of the most important views to be given the Congress and the American people on what has really been transpiring in the air war over North Vietnam. For that reason, we intend to publish it in full in the next issue of this magazine. In the meantime, here are the main points that Gen. Meyers stressed in his Senate testimony:

Gradualism: He detailed the slowly graduated pressure with which U.S. air power was applied during the past two years, beginning with strikes against only two targets a week in the southern panhandle of North Vietnam. Only in the past few weeks have the key targets that the Joint Chiefs of Staff recommended in 1966 been attacked. Gen. Meyers sai dthis politically-dictated policy of gradualism had blunted much of the effect of U.S. air power by allowing the enemy sufficient time to build a vast air defense system, develop alternate supply methods and convert sanctuary areas into major operational bases.

Targeting: He detailed how targets were released to field commanders from Washington in two-week batches, with very little regard for local factors such as weather, surprise or military effectiveness. He confirmed that Washington limited the sorties for each specific period, regardless of local conditions. Whenever a major target category, such as powerplants or rail lines, was authorized for strike, it was released in piecemeal targeting spread over periods too long for the attacking aircraft to inflict significant damage.

Sanctuaries: He noted that throughout his tenure, U.S. pilots were forbidden to attack well-defined zones surrounding Hanoi and Haiphong, a buffer south of the Chinese border and MiG airfields. He said the enemy used these "zones" as sanctuaries to protect vital military equipment and operations.

Tactical restrictions: Gen. Meyers confirmed that U.S. pilots were long prevented from attacking MiG fighters on the ground. They were only allowed to engage them defensively in the air, where the enemy had all the advantages of altitude and surprise. He also said that U.S. airmen were not allowed to attack SAM sites unless they could provide photo proof that actual missiles were at the sites. Since this photo-recon release process took an average of 12 hr. and the North Vietnamese could move the SAM missiles in 4 hr., it became impossible to keep the SAM threat under control. He also testified that the political restrictions imposed on airmen included direction and angle of attack and a stereotyped repetition of attack patterns that enabled the enemy to concentrate his defense in key areas and inflict higher casualties on U.S. aircraft.

Value of targets: Gen. Meyers took direct issue with previous testimony by Defense Secretary Robert S. McNamara on the military value of targets that had been recommended by the Joint Chiefs of Staff for attack but not approved by the White House. He noted that applying U.S. industrial standards to Vietnam conditions is a great mistake. He cited tire factories with a very low output by U.S. standards that are vital to keep the North Vietnamese fleet of supply trucks moving and a battery plant that built equipment to power the Viet Cong field command radio network as military targets that should have been attacked. He also said that permission to attack the MiG airfields was denied until a few months ago despite repeated pleas by Air Force and Navy commanders. Approval to hit the main MiG–21 base at Phuc Yen was given only a few days before the public release of his testimony on its high military target value.

We recommend to our readers a thorough perusal of the full text of Gen. Meyers' testimony. We believe he has done a great service to the American public in shedding new light on what is really going on in the air combat over North Vietnam and in detailing the kind of war into which the American people are being asked to pour their blood and treasure.

ROBERT HOTZ.

CXIII——1948—Part 23

WOULD IT BE GOOD FOR THE COUNTRY TO BREAK UP GENERAL MOTORS?

Mr. MORSE. Mr. President, would it be good for the country to break up General Motors?

That is not a new question, but it has gained new prominence this week. The leading article in the Wall Street Journal of October 31 revealed that the staff of the Antitrust Division of the Justice Department has prepared a complaint that would seek fragmentation of the world's largest industrial corporation; namely, General Motors.

Apparently this complaint is now no more than a suggested draft and a gleam in some staff-level eyes; but a great deal of work has gone into it. The Justice Department admits that a draft complaint exists but denies that it has ever been submitted to the White House for its consideration or advice. The Department says that there is no early likelihood the complaint will be filed in a Federal court.

Mr. President, the size and power of General Motors makes it inevitable that there will be recurrent discussion of the role of this gigantic industrial entity in American society. There will also be, inevitably, recurrent discussion of the attitude and relationship of Government to General Motors.

Some discussion of this type, at a very high intellectual level, occurred last June 29 at a hearing over which the Senator from Louisiana [Mr. LONG] and I jointly presided. The title of the hearing was, "Are Planning and Regulation Replacing Competition in the New Industrial State?" It was a hearing of two subcommittees of the Senate Small Business Committee. Some of the testimony received at that hearing was mentioned—but I think misconstrued—in Tuesday's Wall Street Journal article.

The Journal article, written by Mr. Louis M. Kohlmeier, contains this paragraph:

> Mr. Galbraith, in recent Congressional testimony, ticked off a list of his candidates for "all-out attack." He called for "dissolution proceedings" against General Motors, Ford, the oil majors, United States Steel, General Electric, Western Electric, DuPont and all of comparable size and scope.

This substantially distorts and in fact reverses what Prof. John Kenneth Galbraith said at the hearings over which Senator LONG and I presided. Let me now read the entire paragraph, from page 10 of the printed record, from which the Wall Street Journal excerpt was apparently derived.

Quoting, now, from the testimony of Mr. Galbraith:

> It is possible that my distinguished colleagues here this morning will call for an all-out attack on achieved market power along the lines which Attorney General Turner has adumbrated in his book, which Prof. Walter Adams has long favored, and which I have just said would be necessary if they disagree with my conclusions on the inevitability of market power.

Mr. President, please note Professor Galbraith's reference to "the inevitability of market power." Continuing, now, with the quotation:

> This means action, including enabling legislation leading to all-out dissolution proceedings against General Motors, Ford, the oil majors, United States Steel, General Electric, IBM, Western Electric, Du Pont, Swift, Bethlehem, International Harvester, North American Aviation, Goodyear, Boeing, National Dairy Products, Procter & Gamble, Eastman Kodak, and all of comparable size and scope. For there can be no doubt: All are giants. All have market power. All enjoy an immunity not accorded to those who merely aspire to their power. Such an onslaught, tantamount, given the role of the big firms in the economy as I described it, to declaring the heartland of the modern economy illegal, would go far to make legitimate the objections to my position. It would mean that achieved market power was subject to the same legal attack as that which is only a matter of aspiration.
>
> But I will be a trifle surprised if my distinguished colleagues from the Government are willing to proclaim such a crusade. I am frank to say I would not favor it myself . . .

And here I end my quotation from the testimony of John Kenneth Galbraith. Please note Mr. Galbraith's observation, "I am frank to say I would not favor it myself," referring to an all-out dissolution attack on "the heartland of the modern economy."

I make this correction of the record on behalf of a good friend and a great American; but I hasten to add that my own position on the crucial issue, which I think Galbraith correctly stated, is not as fixed as his appears to be. I agree with him that suing to break up General Motors and the other industrial giants he named would be an attack on the heartland of the economy and that the implications of any such attack are so profound as to stagger the imagination and also, as a practical matter, to be most unlikely to occur.

Nevertheless, the answer to the question, "Would it be good for the country to break up General Motors?" is not, in my judgment, an open-and-shut, resounding Galbraithean "No." Neither is it, in my judgment, a doctrinaire and certain "Yes." I honestly do not know the answer; but I should like to give more study to facts and principles upon which a wise answer depends.

It is time and past time that the dialog on this question become a popular dialog, as Vietnam, civil rights, and the war on poverty have become. For years there has been a great national dialog going on about the question, "Would breaking up General Motors be good for the country?" But the dialog has been largely confined to antitrust lawyers, economics professors, and a small percentage of the business community. It is time to bring this discussion to the people at large, for every one of us is affected by it—every American.

I believe that the Senate Small Business Subcommittees on Monopoly and on Retailing, Distribution, and Marketing Practices made a contribution to the popularization of this dialog last June 29, with the hearings to which I have referred and from which I have quoted. It is my hope that in the near future my own subcommittee may be able to make a similar and further contribution. Several interesting possibilities are under active exploration.

The question, "Would breaking up General Motors be good for the country?" is too important and too fascinating a question, Mr. President, to be left to the antitrust lawyers and the economists. All of us have a stake in finding the correct answer, and every social discipline should become involved in the dialog. More importantly, the general public should become involved. I shall do what I can toward that end.

Mr. President, I ask unanimous consent that Mr. Kohlmeier's article and some other news articles pertaining to the question be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 31, 1967]

ANTITRUST BOMBSHELL: A PROPOSED SUIT AIMED AT BREAKING UP GM POSES PERILS FOR LBJ—JUSTICE DEPARTMENT IS READY TO ACT—JOHNSON GO-AHEAD COULD ALIENATE BUSINESS—WHAT THE COMPLAINT CHARGES

(By Louis M. Kohlmeier)

WASHINGTON.—For months a live bomb has been ticking in dark files of the Justice Department. It may well be LBJ's greatest secret embarrassment.

This is a paper bomb, but it is more explosive than TNT. It consists of 104 neatly typed pages all in formal shape for presentation to a Federal court that have been put together by skilled technicians for one specific purpose: To break up "the largest industrial corporation in the world."

Namely, General Motors.

If this antitrust bomb explodes and succeeds in fragmenting the initial target—some antitrusters even want to split off GM's Chevrolet division—it could be the precedent for cracking apart venerable corporate giants in such other industries as steel, copper and rubber.

However, the President can be sure the bomb packs an additional explosive power. Though it contains not one word of the possibility, this trust-busting document could also blow up what's left of the Johnsonian political consensus.

LBJ's dilemma: If he permits the Justice Department to try to fragment GM—whose 1.4 million stockholders shared $1.3 billion in dividends last year—he risks outraging business-minded folk who have supported him. If he suppresses this crucial antitrust case, he risks enraging not only his own trustbusters but vocal intellectuals and labor unionists who have voted for him; already word of the proposed suit has leaked out to some who are ready to attack a failure to take it to court.

ATTACKING OLD MERGERS

The Government experts who built the bomb are not at all sure which way the decision will go. The longer the Administration delays its choice, the closer comes Election Day.

The proposed suit is revolutionary indeed: It would apply antitrust law for the first time against corporate mergers that took place many years ago. The charge is that while these mergers were not attacked at the time, they have since enabled giant corporations to dominate various industries illegally.

Thus, the complaint contends, General Motors' "present size and market strength are, in significant respect, a result of acquisitions" made largely prior to 1921. Because of those acquisitions, the document alleges, GM now "monopolizes the manufacture, sale and distribution of automobiles" in violation of the Sherman and Clayton antitrust acts.

This reasoning might, at first glance, seem too farfetched for any court to entertain, but the U.S. Supreme Court has already given its support to similar contentions. In its famous 1957 decision forcing Du Pont Co. to divest the GM stock interest Du Pont had acquired between 1917 and 1919, the court held that antitrust law can be applied against old acquisitions. It said that while all prior anti-merger cases had been brought "at or near the time of acquisition," the test is whether a merger restrains trade or has monopolistic effects at the time the suit is filed.

Since 1957 the Supreme Court has further expanded antitrust-law frontiers, and many antitrust lawyers express confidence that the court would uphold the proposed attack on GM.

A FEATHER IN HIS CAP

Inside the Justice Department, majority sentiment seems to favor filing the suit. Assistant Attorney General Donald Turner, head of the antitrust division since 1965, has said nothing in public about the possibility, but he recently repeated his long-standing support of the idea of a law to break up big corporations such as GM. Mr. Turner is expected to resign next summer to return to the Harvard law school faculty; one antitrust lawyer suggests that "Don Turner would like to file the GM suit just to have this feather in his cap before he leaves."

As for Attorney General Ramsey Clark, appointed just this year, he has merely expressed a general interest in more effective antitrust enforcement. Although it's not known just where Attorney General Clark stands on the GM suit, it appears that Mr. Johnson's reluctance to go ahead is the chief factor holding back the suit.

What's even clearer is that the proposed case is not the fruit of any Johnson Administration initiative. Its origins date all the way back to the closing days of the Eisenhower regime, when a special auto-industry investigation unit was set up in the antitrust division: William P. Rogers was then Attorney General and Robert A. Bicks headed the division.

Intensive spadework began a few months after President Kennedy took office, when Robert Kennedy was Attorney General and Lee Loevinger headed the antitrust division. The investigation continued after William H. Orrick succeeded Mr. Loevinger in 1963, after Nicholas Katzenbach became Attorney General in 1964 and after Mr. Turner arrived as antitrust chief in 1965.

ATTACKING 40 MERGERS

According to the complaint that finally emerged from all this probing, more than 100 mergers and acquisitions went into the formation of GM; the proposed suit specifically attacks the legality of more than 40 of them. It asks that, "in the resolution of the violations of the antitrust laws, General Motors be required to divest itself of said acquired companies and to reconstitute itself into a sufficiently large number of companies to accomplish a restoration of competitive conditions."

The 40-odd acquisitions, which include the largest, are now so thoroughly integrated into GM's total auto-making operations that, despite the wording of the complaint, there is no intention of trying to split off precisely that number. No one has decided exactly how GM would be reconstituted, but those who know say the general idea is to split off the Chevrolet division, plus perhaps one or two more auto-assembly divisions, plus enough parts-manufacturing and other facilities to make the split-off auto companies effective competitors. (The Chevrolet division alone accounts for more than 40% of GM's auto production.)

As precedents, the proposed GM suit cites the Government's antimonopoly cases that began in the trustbusting days of Teddy Roosevelt and culminated in the 1911 Supreme Court rulings breaking up the Standard Oil trust and the old American Tobacco Co.

The antitrusters have never attempted comparable split-ups of General Motors, U.S. Steel Corp. and a number of other companies that were being formed in Teddy Roosevelt's time and are giants today. What the prosecutors have done in GM's case is to attack its more recent acquisitions of certain sidelines, notably its road mahinery and bus manufacturing divisions; they have shunned any frontal assault on the corporation's main line of making autos.

At the same time, of course, the Justice Department has been attacking a variety of mergers undertaken by companies smaller than GM. As a result of Congressional amendment and Supreme Court interpretations of antitrust law, the department almost automatically brings suit against proposed "horizontal" mergers that join direct competitors: Even mergers of two relatively small companies that would have less than 10% of a market have been held illegal. The law also has been extended to stop "vertical" mergers between supplier and customer. More recently it has reached "market extension" acquisitions, in which a large company enters a new market by buying a smaller concern.

The pattern of enforcement has drawn increasing fire from antitrust "hawks," including some economists, Government antitrusters and even Supreme Court justices. They have charged that medium-sized and smaller corporations get penalized today for doing what GM and other giants got by with years ago. Harvard economist John Kenneth Galbraith has labeled antitrust enforcement a "charade" because, he holds, the old giants have been "substantially immune."

GALBRAITH'S TARGETS

Mr. Galbraith, in recent Congressional testimony, ticked off a list of his candidates for "all-out attack." He called for "dissolution proceedings" against "General Motors, Ford, the oil majors, United States Steel, General Electric, Western Electric, Du Pont and all of comparable size and scope."

No one in the Justice Department's antitrust division is as ambitious as Mr. Gal-

braith. But the Federal antitrusters have armed themselves with ammunition for a wide-swinging, hard-hitting assault on GM alone. Their long investigation of the auto industry included months of searching in musty corporate and tax files. The proposed suit traces the whole history of the auto industry, beginning with names like Haynes, Duryea and Stanley that disappeared long ago. "Of more than 1,500 manufacturers who have produced one or more types of automobiles in the United States," the complaint says, "only four are still so engaged."

What's more important, the suit traces the operating and financial history of the auto companies that became part of General Motors after GM was incorporated in 1908 as a holding company. William C. Durant organized GM to acquire Buick Motor Co. and Olds Motor Works. In 1908, GM also began to acquire stock in Oakland Motor Car Co., which became the Pontiac division, and in 1909 it acquired Cadillac Automobile Co. Soon thereafter, the suit relates, GM brought two truck manufacturers, Rapid Motor Vehicle Co. and Reliance Motor Truck Co., and it began to acquire a spark plug and other parts companies.

CHEVROLET IS BORN

When Mr. Durant was temporarily out of power between 1910 and 1915, and a bankers group controlled GM, he organized Chevrolet Motor Co. But in 1916 Mr. Durant and the bankers settled their differences, and he again became president of GM, which subsequently acquired Chevrolet.

"The many acquisitions by General Motors of competing auto manufacturers were substantial factors leading to General Motors' dominance of automobiles," the complaint charges.

Between 1918 and 1922, the document continues, GM undertook an expansion program that "quintupled production capacity, not only as to cars and trucks but in parts lines that related directly to the construction of the car or truck."

And the proposed suit traces GM's growth in auto sales from 1920, when it had 13% of the industry's factory sales in the U.S., to 1965, when it had 53.1%. (In 1967's first half, GM's share was 54.5%.)

The complaint also dwells on GM's acquisitions of suppliers. In 1919, GM acquired Fisher Body Corp., and in 1920 Fisher bought out "a number of its suppliers," the complaint recounts. About the same time, GM bought into New Departure Manufacturing Co., a bearings maker. (This purchase was completed later.) It also acquired United Motors Corp, which had bought Dayton Engineering Laboratories Co., the company that Charles F. Kettering had founded in 1909. Later, GM acquired a headlight maker, a battery company and some other suppliers, but, according to the complaint, "After 1920, General Motors' pattern of corporate acquisitions had been reduced to consolidations and special situations."

DEALER POLICY

GM's acquisition of suppliers, according to the complaint, not only enabled the corporation to control its costs but also, in effect, forced GM's competitors "to buy from—and thus contribute to the profits of" General Motors, or else "to purchase inferior products."

ALLEGED VIOLATIONS SPECIFIED

GM's acquisitions and alleged anticompetitive practices, the complaint contends, add up to violations of sections 1 and 2 of the Sherman Act, which outlaws monopolies, and to violations of section 7 of the Clayton Act, which bars acquisitions that tend to restrain trade or may tend toward monopoly.

Whether and when all these charges will land in court are the unanswered and, for now, unanswerable questions. It's not unusual for Justice Department lawyers to toil over a major antitrust suit for a year or longer before taking it into court. Some insiders want to go ahead and file the case just as now proposed; a more likely course would be to delete the charges concerning dealerships, bank deposits and planned obsolescence, which would be hard to prove in court.

There also has been debate over the more basic issue: Should the department and the courts try to extend antitrust law to reach old giants like GM, or should any fundamental restructuring of major industries be left to Congress?

This is the question that LBJ himself must ultimately decide—and in the context of the 1968 election.

In view of LBJ's known leanings, one antitrust lawyer predicts "the GM suit will be brought only if Johnson feels his closeness to business has become a political liability in an election year."

Mr. Galbraith, who heads the liberal Americans for Democratic Action, seems to feel even surer of the outcome. At a recent Capitol Hill seminar, Mr. Galbraith repeatedly taunted antitrust chief Turner with the mention of GM and wound up by saying: "I really doubt (the Government) is going to break up General Motors."

The complaint alleges a number of other anticompetitive practices. It charges, for instance, that "after General Motors achieved a dominant position about 1919, it adopted the policy of requiring its dealers to drop competitive lines and sell only General Motors cars."

Starting about 1925, the complaint charges, "General Motors commenced the practice of distributing surplus cash as broadly as possible through commercial banks in different parts of the country. It was felt this distribution would have a salutary effect upon the banks' relationship with General Motors and its dealers. The effect of General Motors' enormous cash deposits among the principal banks is very real and very substantial, albeit impossible to measure precisely."

The complaint even charges GM with imposing "planned obsolescence" on the auto industry. It says that GM in the late 1920s "introduced the practice of redesigning its automobiles annually. The practice superimposed on the normal effects of depreciation the added influence of a more rapid obsolescence. The effect upon competitors is obvious and dramatic." Tools and dies for new models are high-cost items that GM's smaller competitors can less easily afford, the proposed suit declares.

[From the Wall Street Journal, Nov. 1, 1967]

JUSTICE AGENCY SAYS SUIT TO BREAK UP GM WON'T BE FILED SOON—DEPARTMENT CONFIRMS PROPOSED LITIGATION HAS BEEN PREPARED; WHITE HOUSE DISCLAIMS ROLE

WASHINGTON.—The filing of an antitrust suit to break up General Motors Corp. isn't imminent, the Justice Department said in response to a Wall Street Journal story yesterday that disclosed such a suit has been prepared.

The department said that its antitrust division has been investigating the auto industry for "years" and that the proposed suit was prepared 16 months ago. But it said a decision on filing it hasn't been made because the division still is studying it.

The department didn't explain the reasons for the delay, except to say "difficult and complex legal issues" are involved. The department didn't say what they were.

It isn't unusual for major antitrust cases to be debated and reworked for as long as a year within the division before a formal complaint is filed in a Federal district court. The department, in commenting on the GM suit, noted that some cases are never filed.

The proposed GM suit, however, appears to have been delayed unusually long without a decision to file or not to file. The department said the study of the legal issues still remains "unresovled at the staff level of the antitrust division." It added that Donald Turner, head of the division, has made "no recommendation concernnig possible legal action because the study hasn't reached such a stage."

The filing of any antitrust suit by the assistant attorney general in charge of the antitrust division requires the written approval of the attorney general. The department said the possible suit hasn't been discussed with Attorney General Ramsey Clark.

The department's public information officer made the comments in a statement issued following The Wall Street Journal's disclosure that a formal, 104-page civil complaint against GM had been prepared inside the antitrust division. The proposed suit alleges that GM's acquisitions of more than 40 auto and parts manufacturers violated the Sherman and Clayton antitrust acts.

In Detroit yesterday, GM had no comment on the case. General Motors' stock fell $3 to $82.50 on the New York Stock Exchange.

The agency's suit would be revolutionary because it would allege that GM dominates the auto business by reason of acquisitions accomplished prior to about 1920. Antitrust law always has been applied at or near the time acquisitions are made, although there aren't any statutes of limitations applicable to antitrust statues. Legal precedent for the suit would be the Supreme Court's 1957 ruling that forced DuPont Co. to divest the GM stock interest DuPont acquired between 1917 and 1919.

The proposed suit doesn't say just how GM would be reconstituted, but thinking inside the antitrust division has been that the agency would ask at least for divestiture of the Chevrolet division, which accounts for more than 40% of GM's auto production.

The department's statement said the proposed civil suit was a draft, prepared 16 month ago, that "was only a starting point for considering legal theories and approaches." It said that "neither evaluation nor processing of the study has been completed by the antitrust division." Further, it said, Mr. Turner and Mr. Clark have reached no decisions and "it has never been mentioned to anyone at the White House, much less brought to the attention of the President."

At the White House, Presidential Press Secretary George Christian told reporters President Johnson had "never heard of" the proposed GM suit. "No matter of this kind has ever been brought to the President's attention. I don't think this would require the President's approval," Mr. Christian added.

The Journal article didn't say that the GM suit had been approved or rejected by Mr. Turner, Mr. Clark or Mr. Johnson. It reported that Mr. Turner, without specific reference to GM, recently had publicly repeated his long-standing support of the idea of a law to break up big corporations such as GM. The article said Mr. Clark's views on the suit were unknown.

Further, the article predicted that the filing of any such suit against GM, which has 1.4 million stockholders and is the world's largest industrial corporation, would diminish President Johnson's political support within the nation's business community.

[From the New York Times, Nov. 1, 1967]

JUSTICE LEADERS REJECTED A PLAN TO FILE TRUST SUIT AGAINST GM

(By Eileen Shanahan)

WASHINGTON, October 31.—A proposal by some staff lawyers that the Justice Department file an antitrust suit seeking the breakup of General Motors into several competing companies was rejected some months ago by top antitrust officials as inadequately prepared, it was learned today.

Work on such a case is still continuing at the staff level, but the suit, like many others that the antitrust staff prepares, may never be filed, officials said.

The proposed suit was returned to the

staff by Donald F. Turner, Assistant Attorney General who is head of the department's antitrust division, it was learned.

A department spokesman said that the case has not been brought to the attention of Attorney General Ramsey Clark, who would have to sign any legal complaint before it was taken to court.

The department's spokesman also said that the possibility of such a suit "had never been mentioned to anyone at the White House, much less brought to the attention of the President."

The existence of a draft complaint against General Motors, charging it with violation of the antitrust laws because of a series of mergers dating back as much as 40 years, was disclosed today by The Wall Street Journal.

The Journal's article implied that a decision on whether to file the suit would depend upon political considerations, and that President Johnson was already weighing these.

The article did not explicitly say, however, that the issue had already been brought to President Johnson's attention.

George Christian, White House press secretary, said that no one at the White House had heard about the possibility of a suit to break up General Motors and that "the President's involvement in this is pure imagination."

The draft complaint against General Motors, it was learned, was largely the work of a former antitrust division lawyer, Eugene Metzger, who completed it shortly before he left the Justice Department in May, 1966.

Mr. Metzger has worked since then in the office of the Controller of the Currency and has opposed the Justice Department in court in several controversial bank merger cases.

It was Mr. Metzger's draft complaint, quoted in today's Wall Street Journal, that Mr. Metzger worked as part of a team of antitrust lawyers, created in 1960 by William P. Rogers, President Eisenhower's last Attorney General, to study the entire automobile industry. The focus of its work shifted to General Motors alone in 1961, after the Kennedy Administration came into office.

The team produced three suits against General Motors. One, which accused the company of illegally monopolizing the diesel locomotive business, was dropped "for lack of evidence," according to the Justice Department's announcement at the time.

A second, which sought to force General Motors to divest itself of its bus manufacturing operations, was settled without trial and without requiring such divestiture, although the company's patents in the bus field were opened to all comers.

The third, which sought to force General Motors to give up its Euclid division, the leading manufacturer of bulldozers and other earth-moving equipment, has reportedly been settled on terms that will not require divestiture.

The decisions to compromise or abandon the Justice Department's original positions in all three of these cases were made by Mr. Turner.

In its comment on the General Motors situation today, the Justice Department said that "it is common for draft complaints to be prepared" when antitrust cases are under study. The draft, in this instance, it said, was "only a starting point for considering legal theories and approaches."

In 1957 the Supreme Court upheld the validity of attacks against ancient mergers in its decision ordering E. I. du Pont de Nemours & Co., Inc., to sever its ties with General Motors, which were then 40 years old.

But that case had not been brought on the ground on which the Court decided it, which was that a merger that has not been found illegal at the time it occurred could subsequently have anticompetitive consequences that would render it illegal.

Any suit seeking now to break up General Motors would presumably be based, in part at least, on the doctrine laid down by the Court in the du Pont-G.M. case.

[From the Washington Post, Nov. 1, 1967]

ADMITS EXISTENCE OF "DRAFT COMPLAINT"—JUSTICE DENIES GM SUIT REPORT

(By Richard Harwood)

The government admitted yesterday that a proposal to break up General Motors Corporation under the anti-trust laws has been gathering dust in the Justice Department for 16 months.

But the Department said the proposal was merely a "draft complaint" (presumably written by a junior lawyer), that no decision to sue the giant automobile company has been made, and that none is likely in the immediate future.

The Department also rejected suggestions that "higher authorities" have been suppressing the document and specifically denied that President Johnson was in any way involved.

"The study has not been discussed with the Attorney General," a Department spokesman said. "It has never been mentioned to anyone at the White House, much less brought to the attention of the President."

This outpouring of government statements was in response to an article yesterday in The Wall Street Journal which said that a proposal to break up General Motors was in shape for presentation to a Federal Court.

By mid-afternoon yesterday, the Justice Department had confirmed that such a document existed but whether it had any significance was a matter of dispute.

One government legal authority said the Department's files are full of lengthy and learned documents that argue both sides of the GM issue.

"The notion of breaking up GM," he said, "is not new."

Lee Loevinger of the Federal Communications Commission headed the anti-trust division of Justice from 1961 until mid-1963. He said yesterday that he had set up a so-called "General Motors Task Force" early in his term to bring together five or six separate anti-trust suits (none of them of major significance) which were then under study by the Department.

But at the time he left the Department, Loevinger said, no one was prepared to go into court to try to break up the company.

Another alumnus of the anti-trust division, who is in private practice here now, said that by 1964 "serious" thought was being given in the department to a "break-up GM" suit. But no decision was ever reached, he said.

That, the Department said yesterday, is the present status of the matter.

"It's bogged down," one official said, "the way it has been for years—at the staff level. Some people feel one way, some another."

From all indications, the "bogging down" process within the bureaucracy of Justice has been going on at least since the Eisenhower Administration, where the idea of a major anti-trust action against GM was first broached.

The theory in Washington legal and government circles yesterday was that some Justice Department lawyer, frustrated by the bureaucratic way of life, leaked the document to force a decision.

But it seemed unlikely, in view of the Department's statement, that any quick decision would be made. But General Motors had no comment.

CONTINUING SURGE OF UNLAWFUL DEMONSTRATIONS ACROSS OUR COUNTRY

Mr. THURMOND. Mr. President, it is high time that the President of the United States told the rioters, peaceniks, and Communists, who refuse to conduct orderly demonstrations, that the majority of peace-loving Americans have had enough. It is time for the President to take steps to "insure domestic tranquillity" for those who decline to be parties to disobedience and lawlessness. In the Washington Post for Friday, October 27, it was reported that more than 100 rabble-rousers, in the name of exercising their freedom of dissent, held a Navy recruiter captive in his car for more than 4 hours, thereby denying him all freedoms for this extended period.

All Americans should abhor conduct like this, and those who knowingly refuse to denounce such unlawful demonstrations are condoning lawlessness and helping to sow the seeds of anarchy and rebellion. Liberty and freedom are products of law and order. Without law and order no one is assured of freedom, liberty, or personal safety.

The Supreme Court has said that the freedoms of speech and assembly are not licenses to create public disorder and violence. In *Cox* v. *Louisiana*, 379 U.S. 559 (1965), the Court said:

> We emphatically reject the notion that the First and Fourteenth Amendments afford the same kind of freedom to those who communicate ideas by conduct such as patrolling, marching, and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech."

In *Walker* v. *City of Birmingham*, 388 U.S. 307 (1967), quoting from an earlier case, the Court said:

> Civil liberties, as guaranteed by the Constitution imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses.

Society has the right to demand that all demonstrations be orderly and lawful. Where the law has been flounted, the guilty parties should be arrested and prosecuted. We need the leadership of the President in this crisis; the President should denounce all unlawful demonstrations and take appropriate action to terminate them. Where there are violations of Federal laws, the Federal authorities should arrest the violators. Where the violations are State offenses, the appropriate State authorities should be encouraged to deal firmly and evenhandedly with the lawless.

Mr. President, we are all well aware of the tragic events of lawlessness which occurred in the name of dissent and grievance this past summer. In the October issue of the FBI Law Enforcement Bulletin the Director, Mr. Hoover, said:

> It should be abundantly clear that the doctrine of civil disobedience is a doctrine of self-destruction.

Mr. Hoover went on to say:

> Many proposals have been advanced to help eliminate the causes of riots. Just as there is no single cause, there is no single remedy. I do know, however, that the answer will not be found in sociological remedies alone. If our system of law is to survive, then the law must be enforced. Those who break the law, acting alone or in concert, must be detected and arrested, promptly prosecuted, and given proper, substantial punishment. In halting riots and removing

crime from our nation's streets this should be the first order of business.

The President has been willing to say "We shall overcome," but as of yet he has been unwilling to say that "we have had enough." I say we have had enough of unlawful demonstrations, and I think it is indeed time that the President told the lawless minority that he will indeed take the necessary steps to "insure domestic tranquillity" for all citizens of the United States.

Mr. President, I think it is evident that these demonstrations in various parts of the Nation are not taking place without some common direction and coordination. An article from the October 19, 1967, edition of the Berkeley Daily Gazette, Berkeley, Calif., points out that there is an interlocking directorate at work with some organizers instigating disruptions in various parts of the country. Berkeley has suffered more than its share from the machinations of these people, and it is evident that the Gazette is keeping track of their activities.

An editorial in the October 24, 1967, edition of the Columbia Record of Columbia, S.C., points out the anarchy perpetrated by the mass antiwar demonstration at the Pentagon. This editorial draws attention to two things which should be done: First, those demonstrators who are truly nonviolent must separate themselves unequivocally from the revolutionists; second, immediate steps must be taken to protect the overwhelming majority of Americans who abide by the law and should be protected by the law.

I also want to draw attention to an excellent new publication by the Virginia Commission on Constitutional Government entitled "Every Man His Own Law." The Virginia Commission on Constitutional Government has enjoyed a reputation of high scholarship and clearly defined legal argument, and it is known as the promoter of a sound philosophy of law. I think it is significant that the publication comes out at the very time when the consequences of anarchy are so clearly evident here in the Nation's Capital.

I wish to call to the attention of my colleagues one more article on the subject of demonstrations. The lawless nature of the antiwar movement has been denounced by the Washington Post. In an editorial in the Post yesterday, the editor, speaking of demonstrators who "use physical force to achieve the ends they seek," said:

> There is no place in a democratic society for conduct of this kind.

As I said before, whether the violations of the law be State or Federal, there must be enforcement. The Justice Department appears entirely too timid. There have been violations of Federal laws and very little enforcement. It is past time that this grave matter receive the prompt and specific attention of the Justice Department.

Mr. President, I ask unanimous consent that the article by Mr. J. Edgar Hoover from the Law Enforcement Bulletin, the article from the Berkeley, Calif., Daily Gazette of October 19, 1967, the editorial from the Columbia Record of October 24, 1967, the text of the pamphlet "Every Man His Own Law," and the editorial entitled "Students and Recruiters" from the Washington Post of November 1 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MESSAGE FROM THE DIRECTOR

In a riot there are no victors. The losers include everybody—the rioters, the victims, law enforcement, the community, the State, and the Nation.

Causes of riots can be counted by the score. A study of the overall problem indicates, however, that the widespread violence in our country to some degree is a direct outgrowth of the civil disobedience movement. In recent years, some leaders of dubious stature have made a grandiose gesture of willfully violating laws they deem to be unjust. For the most part, these individuals, although admittedly guilty of breaking the law, have gone unpunished. Young thugs and misguided teenagers, seeing others defy authority and the courts with impunity, have been led to believe that any crime under a banner of complaints is justified. Consequently, they ignore the law and roam through their communities creating violence and terror. Certainly, those who espouse the theory of civil disobedience and authorities who free guilty violators must share a portion of the blame and responsibility for the turmoil in our streets. It should be abundantly clear that the doctrine of civil disobedience is a doctrine of self-destruction.

Stern, decisive action is needed when a street disturbance begins. Justice is not served when a growing horde of vandals and looters is appeased and their pillage overlooked lest "a show of force might provoke them to greater violence." Quiescence does not satisfy rioters. Procrastination or uncertainty on the part of authorities denotes weakness or concession to a mob. Thus, the offenders are encouraged, and their violence gains momentum.

A judicial self-appraisal by the news media of their riot coverage might also be in order. Some media have already taken action in this regard. There can be no quarrel with the all-important role of keeping the public informed as quickly and as completely as possible. No one rightfully expects riots to be played down or salient facts withheld.

On the other hand, militant agitators, hate-mongers, and publicity-seeking rabble rousers who incite riots have no fear of overexposure. They know that television, radio, and front-page news stories are the best and quickest means of getting their views before the public. Thus, they seek attention from the news media. In riot reporting, objectivity and balance, always key factors of responsible journalism, help expose distortion and reduce the special treatment of those who advocate violence. Strict adherence to high journalistic principles is a valuable public service in matters affecting public safety.

Many proposals have been advanced to help eliminate the causes of riots. Just as there is no single cause, there is no single remedy. I do know, however, that the answer will not be found in sociological remedies alone. If our system of law is to survive, then the law must be enforced. Those who break the law, acting alone or in concert, must be detected and arrested, promptly prosecuted, and given proper, substantial punishment. In halting riots and removing crime from our Nation's streets, this should be the first order of business.

JOHN EDGAR HOOVER,
Director.

[From the Berkeley Daily Gazette, Oct. 19, 1967]

INTERLOCKING DIRECTORATE AT WORK—AND REFLECTIONS OF OAKLAND

(By Mike Culbert)

The big-big show for Washington looms tomorrow and over the weekend following its successful Bay Area warmup and minor skirmishes across the nation.

But lest we forget it, the interlocking directorate of those running Stop the Draft Week are behind the big anti-draft push only as a facade for the other axes they have to grind.

We were treated to a localized version of this during the Tuesday morning "confrontation" in Oakland.

There, the vehicle was growing sentiment against the war in Vietnam. Leadership of much of the protest movement came from those who have spearheaded other attempts at anarchy in these parts under other labels.

No, not all groups have been taken over, and certainly most of the anti-war, anti-draft persons are sincerely just that. It's only the leadership which remains, as always, suspect.

Back in Washington, we find that one of the chief propagandists for the drive to "shut down the Pentagon," timed to allow the militants maximum press and television exposure, is none other than Arnold Johnson, national public relations director of the (why, yes) Communist Party—U.S.A.

One of the organizers and leaders is, of course, David Dellinger, the Pro-Castroite. And of course the actual anti-Pentagon operation is vested in the talented hands of former Berkeley Mayoral Candidate Jerry Clyde Rubin, self-styled "American revolutionary," cofounder of the Berkeley Vietnam Day Committee, pro-Castroite and supporter of the fascist "Black Power" concept.

Also providing leadership for the Washington march and rally are James Bevel and Ralph Abernathy, of Martin Luther King's Southern Christian Leadership Conference (SCLC), some of whose members have been linked with a cited Communist front of a similar name.

Also on tap will be Lincoln Lynch, of the ever-more-radical, extremist and mis-nomered Congress of Racial Equality (CORE).

It makes no difference what the beef is—whether it has to do with civil rights, Vietnam, Cuba, Black Power, or whatever—the same old faces and leaders, adept at whipping up the masses, appear.

Just like the Oakland doings. The faces in the crowd included many of the old Free Speech Movement-Free Student Union, Vietnam Day Committee crowd here, aided and abetted by a spate of old-line American Communists and various farout Marxist anachronists like the Trotskyists and the Mao-lining Progressive Labor militants.

We were in on the Monday and Tuesday Oakland happenings, and most of them have been covered in detail by the Gazette. Some have not, but Lari Blumenfeld, a seasoned veteran of the Bay Area trouble-in-the-streets scene, remembers these "reflections from Oakland":

"The front-line agitators couldn't get out of the way fast enough when the action started and in many instances it was they who trampled those behind and along the sides in their mad dash to escape the police juggernaut . . .

"I watched . . . professional agitators deliberately whooping up the crowd and drowning out the police public address system warning to the assembled crowd—those who might have gotten out of the way had they known what was coming.

"I saw at least a dozen CDer ('civil-disobedience' types), white arm-band persons who were allegedly willing to 'lay their lives on the line,' sitting in a row on the fence of a

nearby parking lot while the 'innocents' were getting their heads cracked.

"I did not see, but police reports refer to the fact that among this same group was a makeup kit. They were painting 'scars' over their brows and blood trickles down the corners of their lips!

"The real revolutionaries took over the intersection of 17th St. and San Pablo Ave. They stopped all traffic and diverted it. And if an irate citizen tried to drive through, they jumped on his car. I saw them rock cars, taunt drivers, and in one instance they even picked up a car and turned it around.

"At one time two Loomis armored cars were trapped in the middle of the intersection and finally had to back out. Also trapped was a police car, which was literally inundated with demonstrators who scratched and kicked it and attempted to let air out of the tires.

"I saw this same group roll city garbage cans to the middle of the intersection and the demonstrators start to set the contents ablaze when three Oakland motorcycle officers came roaring down the street, scattering the crowd.

"I saw actually terrified shopkeepers—cafe people—slam and lock their doors when demonstrators tried to come in.

"I marched with a group about six blocks to their encampment at Lafayette Square where they held an illegal rally. Again, intersections were taken over by the revolutionaries, who just plopped down in the street from exhaustion. They also directed traffic and told the drivers of automobiles, 'This is liberated territory. You can't come through here.'

"I saw demonstrators throw two stink bombs into a cluster of policemen who were trying to subdue a demonstrator. I also understand some of them carried flares and threw these.

"After the clearing action, I saw some of their (protestors') weapons, including crude thick shields with Che Guevara portraits, and heavy hardwood sign sticks to be used as clubs."

Neither Lari nor this columnist suggests that all participants in the Tuesday mess were "baddies." Far from it. The frustration of American foreign policy has been the unwitting (?) instrument which has allowed American revolutionaries another great opportunity to create havoc and have increased support.

Most concerned youth are no more anxious to be clubbed by an Oakland policeman than they are to burn their draft cards.

Or to die in Vietnam.

[From the Columbia (S.C.) Record, Oct. 24, 1967]

ANARCHISTS ATTACK THE PENTAGON

The violent demonstration in Washington over the weekend and the attempt to storm the Pentagon should be an object lesson to the Johnson administration and subsequent Presidents of our country. It is quite clear now that there are elements in our society who would destroy American democracy under the guise of "peaceful assembly," an honored American right.

These groups have now declared that they are civil insurrectionists, that they will ignore all the laws of our land to achieve their stated objectives, and will blatantly defy civil authority.

Now, right now, is the time for the Johnson administration to defend the majority of the American citizens and use all available laws to arrest and imprison those who place our fundamental rights in peril. We, the majority, are guaranteed "domestic tranquility" by the preamble to our Constitution.

Now, right now, is the time for the law-abiding majority to demand our own protection and domestic peace through prompt and vigorous prosecution of the revolutionaries in our midst.

Make no mistake about their intent. And let us not beguile ourselves about the character of the people and the organizations who either control or foment the rebellion.

From the very beginning, as the record shows without disputation, Communists and Communist-front organizations helped plan the Washington demonstration. Communist and pro-Marxist groups participated in the initial planning session in May. While Communists differed on whether there should be a mass demonstration in the capital or several throughout the country, the viewpoint of Arnold Johnson, public relations director for the Communist Party USA, prevailed, and the Washington rally was agreed upon.

In that same month, the organization sponsoring the rally changed its name from the "Spring Mobilization Committee to End the War in Vietnam" to the "National Mobilization Committee."

David Dellinger was chairman of the rally. He has served two prison terms for draft evasion. He made it clear in advance of the Washington demonstration that there was little likelihood that the rally would remain "non-violent." Indeed, the announced aim was "to shut down the Pentagon."

Despite strong advice to the contrary, President Johnson issued orders that permission for the rally be given. There never was any intent for the gathering to be "peaceable" or "non-violent."

After the tragic event, leaders of Dellinger's Committee met and agreed that hereinafter they would use massive "resistance" to block or impede the military. Dellinger says that he and his group will end "parades" and begin "confronting" the government with sit-ins and other acts of civil disobedience.

Two things should now be done. First, those truly non-violent individuals and organizations who are opposed to the war must separate themselves unequivocably from the revolutionaries. Men like Yale University chaplain William Sloane Coffin Jr. must divorce themselves from the insurgents. To do less will be a gross caricature of the Christian gospel. The ministers who accompanied Coffin spoke of a "fair and dignified" protest; there is no such thing as a "fair and dignified" protest under the revolutionary banner.

Coffin and his ilk can no longer lock arms with the militants who are ugly, vulgar, obscene; who spit in the faces of remarkably restrained soldiers and who goad them with the most vicious of unprintable, personal slander. We do not believe that the Jesus Christ whose teachings Coffin espouses would condone such behavior even as "righteous indignation."

If intellectuals of the academic community, ministers and others choose to become comrades-in-arms with the bestial semi-literates who carry signs saying, "LBJ The Butcher" and "Johnson's War in Vietnam Makes Americans Puke," they must suffer the consequences of their associations.

Second, immediate steps must be taken to protect the overwhelming majority of Americans who—whether they agree or disagree with the war and its strategy—abide by the law and should be protected by the law.

In Cox v. Louisiana, the transgressions of the Washington rebels was outlined by the U.S. Supreme Court:

"The rights of free speech and assembly, while fundamental in our democratic society, still do not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time.

"The Constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy. The control of travel on the streets is a clear example of governmental responsibility to insure this necessary order . . .

"One would not be justified in ignoring the familiar red (traffic) light because this was thought to be a means of social protest. Nor could one, contrary to traffic regulations, insist on street meeting in the middle of Times Square at the rush hour as a form of freedom of speech or assembly."

Obstruction of public order and disruption of public peace are now threatened by the rebels under the guise of right of dissent. Sufficient laws are available to prosecute those who incite to riot and rebellion and to jail anarchists who threaten the civil liberties of the mass of Americans.

Our elected officials, whether in the Executive or Congressional branches of the national government, are sworn to insure domestic tranquillity to our nation. Let them fulfill their oaths, promptly.

EVERY MAN HIS OWN LAW

A commentary by the Virginia Commission on Constitutional Government concerning the unparalleled lawlessness in the streets of the Nation today. The Appendix contains excerpts from the Constitution of the United States; the Virginia Bill of Rights; and excerpts from the Code of Virginia. Specifically covered are several sections of the Code of Virginia dealing with suppression of and punishment for riotous acts.

In those days there was no king in Israel: every man did that which was right in his own eyes. (Judges 21: 25.)

FOREWORD

The publication program of this Commission has been devoted in large part to the reproduction of basic documents relating to the Constitution of the United States; its recent major volume was *The Reconstruction Amendments' Debates,* which includes all the debates in the Congress concerning the adoption of the 13th, 14th, and 15th Amendments. It seems necessary and appropriate, however, to devote one pamphlet to a protest against the current unparalleled lawlessness that has plagued many of our cities, and which, if continued, would destroy those very liberties which the rioters profess to cherish but seek to gain through lawless acts.

From time to time various publications of the Commission have been republished by others and given wide circulation in various parts of the country. May this meet with like favor. (The Virginia Commission on Constitutional Government.)

EVERY MAN HIS OWN LAW

Order is the first object of any government. Without it no other goal can be attained. History illustrates this emphatically. After the time of Joshua, for instance, the children of Israel were without law except as each tribe or faction conceived. Anarchy reigned. This should serve as a warning to all people for it is only in a time of tranquillity that one can plan and build great institutions and assure to all the basic rights which are guaranteed by constitutions and bills of rights. If a man is free to disobey any law that he does not think is "good," to that extent he infringes upon the political rights of all men, and the principles upon which our government was founded are no longer assured.

Against tyranny man rebels

No man living in human society can be his own law. If making his own law can be asserted by one man, it can be asserted by all. If the philosopher can make his own law, so can the fool. If the virtuous man can make his own law, so can those who spring from the gutter. Good laws must come from the genius of a whole people, based upon their traditions, their experience, and their current needs; and they must be capable of practical application. The wise lawmakers of the Athenians admitted that they did not give their citizens the best laws they were capable of giving, but the best laws that the citizens were capable of receiving.

Virtue does not of itself lead to wisdom, and no man may by the assertion of his own superior virtues or wisdom put himself above the laws commonly imposed upon and accepted by his fellow-citizens. To permit it, is to bring chaos. This must apply to all—preachers and philosophers, rich men and poor, the powerful and the weak. All must be alike before the law of the land. Even Jesus proclaimed that he came not to destroy, but to fulfill the law, and this by teaching an exemplary religion, a new set of ethical principles. Meanwhile, he would render unto Caesar the things that were Caesar's.

No one has the right to obey only the "good" laws; all laws are good until they are amended or repealed, and must be enforced. That is not to say that they may not be criticized. Indeed, it is the duty of a citizen to seek change if he believes the law to be unwise or unfair, and he need not be respectful to the lawmakers in the process. But, until the change is made, he must conform, and not set himself up as an island of virtue, one above the law.

When the tyrant is at one's throat and there are no peaceable means of redress, rebellion is necessary and becomes a virtue. The lengendary William Tell could reach Gessler only by an arrow; in the tyranny that was the France of Louis XVI, Mirabeau could attempt to save his country only by abandoning his class and joining the revolutionists; Iturbide and Madero had to take up arms if Mexico was to be liberated; Bolivar and San Martin had only that recourse against Spain; in Haiti a Toussaint L'Ouverture had no remedy against France but through force; Lenin and Stalin found revolution the only escape from czardom, even though they were to impose a worse tyranny of their own; Washington had to take up arms when no political solution was available. These men became heroes by rebelling—sometimes heroes even to their enemies; today Washington's statue stands in Trafalgar Square. These men, and many more who could be named in other times and other countries, had no peaceful means of achieving liberty. But in an open society, where all men are free to express themselves and select their governors and legislators, such rebellions are criminal.

But an open society demands peaceful methods

And America *is* an open society, where everyone's views may be freely expressed and fully asserted at the ballot box. The more extreme a man's views, the more certain he is of attention from press, radio, and television: the reporter follows him everywhere; the announcer shoves the microphone to his open mouth; the photographer puts his face on the front page of newspaper and magazine. He has a full hearing, even when advocating subversion of the Constitution, the killing of people with whom he disagrees, and the burning and looting of their property. The reporters give his meetings full coverage except when excluded, which is usual when subversives gang together. London's Hyde Park is set aside for free expression by cranks and splinter groups; in America, Hyde Parks are everywhere.

The ballot box is secret and is made accessible to those who have no property qualifications whatsoever and pay no taxes of any kind; and to those who cannot even read the comics. The most ignorant now has the same voice as the philosopher—often much greater because of the weight of minorities in key states in presidential elections.

In all history there has never been a country comprising over 3,600,000 square miles and 200,000,000 people that was as fully responsive to the popular will as expressed in the voting booth, whose verdict, even after the bitterest of election campaigns, America accepts. Polk, Garfield, and Kennedy received barely more than 50% of the vote, Kennedy winning by the skin of his teeth. Cleveland won by less than 51% in his first election and lost in the second in the electoral college after winning the popular vote; Hayes lost the popular vote but won in the electoral college by the margin of one; Wilson was elected first by a plurality only, and was reelected by capturing California by a margin of only four thousand. In all these cases, after bitter campaigning, the voters acquiesced: they had had their say and lost and did not turn to sniping, looting, and arson.

In a free society laws can be changed when the majority is convinced that they should be. When the people are aroused, no one can stand in their way: public officials are but ships on a great heaving ocean when the electorate is aroused. Daily, presidents, governors, mayors, Congressmen, avidly search the newspapers seeking the public's expression in the form of opinion polls. City ordinances, State statutes, acts of the Congress are quickly changed when the public demands. Before Pearl Harbor some Congressmen literally stood on their chairs to denounce the fortification of Guam and the creation of a two-ocean navy; after the sneak attack, when people demanded action, those same Congressmen immediately voted billions in gold and were impatient when it could not be turned at once into iron by a sort of inverted alchemy. And today we are in the habit, like a flabby people, of voting money as the cure-all for our ills, when the remedy is to be found in a baser metal and the application of force, upon which all government must in the end depend if it is to endure. Indeed, the will of the people can change the Constitution, too, and that quickly, when they are aroused: when fed up with the curse of the open saloon, the people put Prohibition into the Constitution in twelve short months; when they learned that bootlegging had brought disrespect for all law, they kicked Prohibition out of the Constitution in only nine months. In an open society the people rule; they cannot be denied. Through peaceful political process, not violence, their will is made law.

Mobbery is violence—Not peace

Every right that a man enjoys carries with it a correlative duty to observe the rights of others. We hear on every hand men proclaiming blatantly their rights, without seeming to realize that duties go hand in hand with them. The cries are loudest from those trouble-makers who are dedicated to the destruction of our Constitution and all that it stands for, yet, when caught red-handed, loudly assert the immunities and privileges which it assures.

The American people are long-suffering and will tolerate repeated abuses; but a time comes when they rise in wrath to stamp them out. When they do, no minority group can resist them, no matter what means it employs. There are many who already believe that our institutions, which grew out of a long Anglo-Saxon tradition and experience, are too generous to wrong-doers and that there are too many in our midst who have no regard for constitutions and should not be given their protection. But should that view prevail, should we reach a point where constitutional guarantees are suspended, we would be heading down the road to dictatorship under which all men would lose their freedoms. It has happened repeatedly in the history of mankind. We are not immune. Surely, we must find our remedy against lawlessness within our present constitutional system, and this can be done if those in political office will invoke in all cases, and promptly, the laws when mobs would tread upon them.

The mob pattern that has developed in cities across the country is substantially this: (1) a policeman (white or colored) attempts to arrest a person charged with some criminal offense; (2) a mob forms to rescue the prisoner from police "brutality," in the process beating up the police officer, or chasing him away, and overturning his car, setting it on fire; (3) the mob bashes in the storefronts and seizes all the whisky and transistor radios in sight; or, if the police are held at bay or are ordered away, then it helps itself to heavier booty such as television sets, in color, some of it being hauled away by laughing looters in Cadillacs; (4) finally comes the burning and the sniping. These acts are not the assertions of rights; they are not freedom of speech, but license in action. They are the inflictions of gross wrongs upon innocent people. They are insurrections against government. And it is no longer a matter of race, because some white hoodlums join in the loot, and the property taken and destroyed belongs to Negroes as well as to whites. It is the attack of the lowest of our citizens against any who may have achieved some measure of economic success.

What we must do

The politician who seeks the mob's vote responds by calling for huge appropriations to wipe out slums and abolish poverty. But poverty is a relative term; there will always be people who are poorer than others. Compared with China, India, Egypt, and many other countries we do not know what poverty is. And it will take years to wipe out all slums, even if that is possible, and no matter how many billions we spend. Meantime, the mobs march and make shambles of our cities and mockery of our laws. They must be stopped, no matter what force may be required. Criminals are not to be bribed into good behavior.

Our own Commonwealth of Virginia adopted a riot act in early times, and in 1928 an "anti-lynching" bill was passed at the request of Governor Harry F. Byrd. Since that time, there has been no lynching in Virginia. But both acts, copies of which are appended, are directed against all mobs, and can be invoked no matter who constitutes them or against whomsoever their wrath is directed, white or colored. Such statutes, when enforced by fearless men who remember their pledges of office, assure peaceful citizens order and tranquillity, and the enjoyment of those basic rights for which our fathers died.

It is to our shame that police officers have been ordered to shoot only in self-defense while mobs run wild, committing every excess. Police departments were not organized for the purpose of protecting their own members. They were created to protect the public, to go in after the criminal and bring him to justice. If they are inadequate to quell insurrection, and if National Guard units may be to thin to put down several mobs at the same time, then we must organize, arm, and train home guard units in all our cities, composed of law-abiding citizens of both races.

Mobbery has no place in free America. It must be destroyed.

APPENDIX

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

[AMENDMENT I]

[Freedom of Religion, of Speech, and of the Press]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

[AMENDMENT II]

[Right to Keep and Bear Arms]

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

[AMENDMENT III]

[Quartering of Soldiers]

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

[AMENDMENT IV]

[Security from Unwarranted Search and Seizure]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[AMENDMENT V]

[Rights of Accused in Criminal Proceedings]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[AMENDMENT VI]

[Right to Speedy Trial, Witnesses, etc.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

[AMENDMENT VII]

[Trial by Jury in Civil Cases]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

[AMENDMENT VIII]

[Bails, Fines, Punishments]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[AMENDMENT IX]

[Reservation of Rights of the People]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[AMENDMENT X]

[Powers Reserved to States or People]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

* * * * *

[AMENDMENT XIII]

Section 1.

[Abolition of Slavery]

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

[Power to Enforce this Article]

Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT XIV]

Section 1.

[Citizenship Rights Not To Be Abridged by States]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * *

[AMENDMENT XV]

Section 1.

[Negro Suffrage]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2.

[Power to Enforce This Article]

The Congress shall have power to enforce this article by appropriate legislation.

* * * * *

[AMENDMENT XIX]

[Woman Suffrage]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

CONSTITUTION OF VIRGINIA

A DECLARATION OF RIGHTS *made by the good people of Virginia in the exercise of their sovereign powers, which rights do pertain to them and their posterity, as the basis and foundation of government.*

§ 1. Equality and rights of men.—That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

§ 2. People the source of power.—That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.

§ 3. Government instituted for common benefit.—That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually against the danger of maladministration; and whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

§ 4. No man entitled to exclusive emoluments or privileges; offices not to be hereditary.—That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

§ 5. Legislative, executive and judicial departments of State should be separate; elections should be periodical.—That the legislative, executive and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or part of the former shall be again eligible, or ineligible, as the laws may direct.

§ 6. Suffrage; taxation; private property for public uses; consent of governed.—That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

§ 7. Laws should not be suspended.—That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

§ 8. Concerning criminal prosecutions generally.—That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers; nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

Laws may be enacted providing for the trial of offenses not felonious by a justice of the peace or other inferior tribunal without a jury, preserving the right of the accused to an appeal to and a trial by jury in some court of record having original criminal jurisdiction. Laws may also provide for juries consisting of less than twelve, but not less than five, for the trial of offenses not felonious, and may classify such cases, and prescribe the number of jurors for each class.

In criminal cases, the accused may plead guilty; and, if the accused plead not guilty, with his consent and the concurrence of the Commonwealth's attorney and of the court entered of record, he may be tried by a smaller number of jurors, or waive a jury. In case of such waiver, or plea of guilty, the court shall try the case.

§ 9. Excessive bail or fines and cruel and unusual punishments prohibited.—That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

§ 10. General warrants of search of seizure prohibited.—That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

§ 11. No person to be deprived of property without due process of law; trial by jury to be held sacred.—That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five in cases cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

§ 12. Freedom of the press and of speech.—That the freedom of the press is one of the

great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

§ 13. Militia the proper defense of a free State; standing armies should be avoided; military should be subordinate to civil power.—That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defense of a free State, that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

§ 14. Government should be uniform.—That the people have a right to uniform government and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

§ 15. Qualities necessary to preservation of free government.—That no free government, or the blessings of liberty can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

§ 16. Religious freedom.—That religion or the duty which we owe to our creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

§ 17. Construction of the bill of rights.—The rights enumerated in this bill of rights shall not be construed to limit other rights of the people not therein expressed.

The Bill of Rights drafted in the Virginia Convention of 1776 is a landmark in the history of constitutional government and has served as the model for other states and democratic countries.

FROM THE CODE OF VIRGINIA

RIOTS, ETC.; DISORDERLY CONDUCT

§ 18.1–247. Suppression of riots.—All judges and justices of the peace may suppress riots, routs, and unlawful assemblies within their jurisdiction. And it shall be the duty of each of them to go among, or as near as may be with safety to, persons riotously, tumultously, or unlawfully assembled, and in the name of the law command them to disperse; and if they shall not thereupon immediately and peacefully disperse, such judge or justice of the peace giving the command, and any other present, shall command the assistance of all persons present, and of the sheriff or sergeant of the county or corporation, with his posse, if need be, in arresting and securing those so assembled. If any person present, on being required to give his assistance depart or fail to obey, he shall be deemed a rioter.

§ 18.1–248. Persons arrested therefor to be committed on failure to give bail.—If a person be arrested for a riot, rout, or unlawful assembly, the judge or justice of the peace ordering the arrest, or any other justice, shall commit him to jail, unless he shall enter into recognizance, with sufficient surety, to appear before the court having jurisdiction of the offense, at its next term, to answer therefor, and in the meantime to be of good behavior and keep the peace.

§ 18.1–249. Judge or justice failing in his duty; how punished.—If any judge or justice of the peace have notice of a riotous, tumultuous, or unlawful assembly, in the county or corporation in which he resides, and fail to proceed immediately to the place of such assembly, or as near as he may safely, or fail to exercise his authority for suppressing it and arresting the offenders, he may be fined not exceeding one hundred dollars.

§ 18.1–250. If persons disobey order of judge or justice to disperse, he may require assistance.—If any person, engaged in such assembly, being commanded as aforesaid to disperse, fail to do so without delay, and such judge or justice of the peace may require the aid of a sufficient number of persons, in arms or otherwise, and proceed, in such manner as he may deem expedient, to disperse and suppress such assembly, and arrest and secure those engaged in it.

§ 18.1–251. Death of person during riot.—If, by any means taken under authority of this chapter to disperse any such assembly, or arrest and secure those engaged in it, any person present, as spectator or otherwise, be killed or wounded, any judge or justice of the peace exercising such authority, and every one acting under his order, shall be held guiltless; and if the judge or justice, or any person acting under the order of either of them, be killed or wounded in taking such means, or by the rioters, all persons engaged in such assembly shall be deemed guilty of such killing or wounding.

§ 18.1–252. Punishment of rioters.—If any rioter, or person unlawfully or tumultuously assembled, pull down or destroy, in whole or in part, any dwelling house, or assist therein, or shall in the nighttime stone the same in a manner calculated to terrorize the inmates, or assist therein, he shall be confined in the penitentiary not less than two nor more than five years; and though no such house be so injured or stoned, every rioter, and every person unlawfully or tumultously assembled, shall be deemed guilty of a misdemeanor.

§ 18.1–253. Riotous or disorderly conduct on public conveyance a misdemeanor.—If any person, whether a passenger or not, shall, while in or on any public conveyance behave in a riotous or disorderly manner, he shall be guilty of a misdemeanor. The agent or employees in charge of such public conveyance may require such person to discontinue his riotous or disorderly conduct, and if he refuses to do so may eject him, with the aid, if necessary, of any other persons who may be called upon for the purpose.

§ 18.1–254. Riotous or disorderly conduct in other public places; disturbance in public conveyance; local ordinances.—If any person behaves in a riotous or disorderly manner in any street, highway, public building, or any other public place, other than those mentioned in the preceding section, or causes any unnecessary disturbance in or on any public conveyance, by running through it, climbing through windows or upon the seats, failing to move to another seat when lawfully requested to so move by the operator, or otherwise annoying passengers or employees therein, he shall be guilty of a misdemeanor.

Cities, towns and counties are hereby authorized and empowered to adopt ordinances or resolutions prohibiting and punishing the above acts, or any of them, when committed in such cities, towns, or counties, and such ordinances or resolutions shall provide the same punishment for a violation thereof as is provided by this section, anything in the charters of such cities or towns to the contrary notwithstanding. All fines imposed for the violation of such ordinances or resolutions shall be paid to and retained by such cities, towns and counties, and the Commonwealth shall not be chargeable with any costs in connection with any prosecution for the violation of any such ordinances or resolutions.

ANTI-LYNCHING ACT

§ 18.1–27. Mob defined.—Any collection of people, assembled for the purpose and with the intention of committing an assault or a battery upon any person and without authority of law, shall be deemed a "mob."

§ 18.1–28. Lynching defined.—Any act of violence by a mob upon the body of any person, which shall result in the death of such person, shall constitute a "lynching."

§ 18.1–29. Lynching deemed murder.—Every lynching shall be deemed murder. Any and every person composing a mob and any and every accessory thereto, by which any person is lynched, shall be guilty of murder, and upon conviction, shall be punished as provided in article 1 (§ 18.1–21 et seq.) of this chapter.

§ 18.1–30. Shooting, stabbing, etc., with intent to maim, kill, etc., by mob.—Any and every person composing a mob which shall maliciously or unlawfully shoot, stab, cut or wound any person, or by any means cause him bodily injury with intent to maim, disable, disfigure or kill him, shall be confined in the penitentiary for not less than one nor more than twenty years.

§ 18.1–31. Assault or battery by mob.—Any and every person composing a mob which shall commit a simple assault or battery shall be guilty of a misdemeanor.

§ 18.1–32. Apprehension and prosecution of participants in a lynching.—The attorney for the Commonwealth of any county or city in which a lynching may occur shall promptly and diligently endeavor to ascertain the identity of the persons who in any way participated therein, or who composed the mob which perpetrated the same, and have them apprehended, and shall promptly proceed with the prosecution of any and all persons so found; and to the end that such offenders may not escape proper punishment, such attorney for the Commonwealth may be assisted in all such endeavors and prosecutions by the Attorney General, or other prosecutors designated by the Governor for the purpose; and the Governor may have full authority to spend such sums as he may deem necessary for the purpose of seeking out the identity, and apprehending the members of such mob.

§ 18.1–33. Civil liability for lynching.—No provision of this article shall be construed to relieve any member of a mob from civil liability to the personal representative of the victim of a lynching.

§ 18.1–34. Persons suffering death from mob attempting to lynch another person.—Every person suffering death from a mob attempting to lynch another person shall come within the provisions of this article, and his personal representative shall be entitled to relief in the same manner and to the same extent as if he were the originally intended victim of such mob.

§ 18.1–35. Jurisdiction.—Jurisdiction of all actions and prosecutions under any of the provisions of this article shall be in the circuit court of the county, or corporation court of the city, wherein a lynching may occur, or of the county or city from which the person lynched may have been taken, as aforesaid.

MEMBERS OF THE VIRGINIA COMMISSION ON CONSTITUTIONAL GOVERNMENT

David J. Mays, Chairman, Richmond, Virginia. Attorney; Pulitzer Prize winner for historical biography.

W. Roy Smith, Vice Chairman, Petersburg, Virginia. Business executive; member Virginia House of Delegates.

Mills E. Godwin, Jr., Richmond, Virginia. Ex-Officio member of Commission; Governor, Commonwealth of Virginia.

E. Almer Ames, Jr., Onancock, Virginia. Attorney; member Virginia Senate; Vice-President and Director, First National Bank, Onancock, Virginia.

Leslie D. Campbell, Jr., Ashland, Virginia. Attorney; member Virginia Senate.

Hale Collins, Covington, Virginia. Attorney; member Virginia Senate.

W. C. Daniel, Danville, Virginia. Business executive; member Virginia House of Delegates; past National Commander, American Legion.

John Dos Passos, Westmoreland, Virginia. Author.

J. Segar Gravatt, Blackstone, Virginia. Attorney; Trial Justice for Nottoway County, Virginia.

Frederick T. Gray, Richmond, Virginia. Attorney; former Attorney General of Virginia; member Virginia House of Delegates.

Lyman C. Harrell, Jr., Emporia, Virginia. Attorney; member Virginia House of Delegates.

James J. Kilpatrick, Washington, D.C. The Washington Star Syndicate; author.

William T. Muse, Richmond, Virginia. Dean, T. C. Williams School of Law, University of Richmond; author.

W. Carrington Thompson, Chatham, Virginia. Attorney; member Virginia House of Delegates.

Hugh V. White, Jr., Richmond, Virginia. Attorney; former Executive Director of Commission on Constitutional Government.

Executive Director of the Virginia Commission on Constitutional Government: David W. Mullen, Richmond, Virginia. Attorney.

[From the Washington Post, Nov. 1, 1967]

STUDENTS AND RECRUITERS

The idea that one group of students has a right to bar fellow students from talking to certain prospective employers seems to be sweeping the country. On Tuesday, about 25 students at the University of Maryland blocked the door to the room in which a CIA representative was to conduct interviews. Last week, students at Oberlin College held a Navy recruiter in his car for four hours and tactics identical to those used at Maryland were used at Williams College against another CIA representative. There have been similar demonstrations at many other colleges and universities.

In each of these instances, the demonstrators abused their right to protest and deprived their fellow students of their right of free speech. The demonstrators seem to believe that since they are opposed to the war in Vietnam, they have a right (or, as some of them put it, a duty) to enforce their views on everyone else. Since they feel the activities of the CIA and of the Dow Chemical Company are evil, they see their role as harassing anyone who disagrees with them. Certainly these students have a right to hold the views they do, to publicize them in a lawful manner, and to attempt to propagandize others. But they do not have a right to use physical force to achieve the ends they seek.

There is no place in a democratic society for conduct of this kind. The students who practice it are demonstrating only that they have no respect for the rights of others and that they do not understand even the elementary principles of democracy. If the Government were to apply the same standards in judging their conduct that they apply in deciding on the tactics they use, they would be arrested and sent away to long prison terms. For the standards they apply are those of a totalitarian regime that condones no dissent.

A university has a responsibility to all its students, not just those who dislike the Government's policy in Vietnam. It has an obligation to see that any student is free to talk openly with every prospective employer as long as it permits job interviews of any kind. The University of Maryland must uphold this responsibility even though some of its students object violently.

AUTHORITY FOR COMMITTEES TO FILE REPORTS AND INDIVIDUAL, SUPPLEMENTAL, OR MINORITY VIEWS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees of the Senate be permitted to file their reports during any adjournments of the Senate following today's session until midnight Sunday, together with any individual, supplemental, or minority views, if desired.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session for the consideration of certain treaties on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTARY INCOME TAX CONVENTION WITH CANADA

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, the Senate will now proceed to vote on Executive B, 90th Congress, first session.

The question is, Will the Senate advise and consent to the resolution of ratification? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from New Mexico [Mr. MONTOYA], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] and the Senator from Iowa [Mr. HICKENLOOPER] are absent on official business.

The Senator from Tennessee [Mr. BAKER], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Michigan [Mr. GRIFFIN] and the Senator from Kentucky [Mr. MORTON] are detained on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Michigan [Mr. GRIFFIN], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The yeas and nays resulted—yeas 77, nays 0, as follows:

[No. 307 Ex.]

YEAS—77

Aiken	Hatfield	Moss
Allott	Hayden	Mundt
Bartlett	Hill	Muskie
Bayh	Holland	Nelson
Bennett	Hollings	Pearson
Boggs	Inouye	Pell
Brewster	Jackson	Percy
Burdick	Javits	Prouty
Byrd, Va.	Jordan, N.C.	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Case	Kennedy, Mass.	Ribicoff
Clark	Kennedy, N.Y.	Russell
Cotton	Kuchel	Smith
Curtis	Lausche	Sparkman
Dominick	Long, La.	Spong
Eastland	Mansfield	Stennis
Ellender	McCarthy	Symington
Ervin	McClellan	Talmadge
Fannin	McGee	Thurmond
Fong	McGovern	Tower
Fulbright	McIntyre	Tydings
Gore	Metcalf	Williams, N.J.
Gruening	Miller	Williams, Del.
Hansen	Mondale	Yarborough
Harris	Monroney	Young, N. Dak.
Hartke	Morse	

NAYS—0

NOT VOTING—23

Anderson	Dirksen	Montoya
Baker	Dodd	Morton
Bible	Griffin	Murphy
Brooke	Hart	Pastore
Cannon	Hickenlooper	Scott
Carlson	Hruska	Smathers
Church	Long, Mo.	Young, Ohio
Cooper	Magnuson	

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

INCOME TAX CONVENTION WITH TRINIDAD AND TOBAGO

The PRESIDING OFFICER. The question now is, Will the Senate advise and consent to the resolution of ratification of Executive F (90 Cong., first sess.), the income tax convention with Trinidad and Tobago? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senator from Missouri [Mr. LONG], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senators from

Nevada [Mr. BIBLE and Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from New Mexico [Mr. MONTOYA], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] and the Senator from Iowa [Mr. HICKENLOOPER] are absent on official business.

The Senator from Tennessee [Mr. BAKER], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Michigan [Mr. GRIFFIN], and the Senator from Kentucky [Mr. MORTON] are detained on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Michigan [Mr. GRIFFIN], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The yeas and nays resulted—yeas 77, nays 0, as follows:

[No. 308 Ex.]

YEAS—77

Aiken	Hatfield	Moss
Allott	Hayden	Mundt
Bartlett	Hill	Muskie
Bayh	Holland	Nelson
Bennett	Hollings	Pearson
Boggs	Inouye	Pell
Brewster	Jackson	Percy
Burdick	Javits	Prouty
Byrd, Va.	Jordan, N.C.	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Case	Kennedy, Mass.	Ribicoff
Clark	Kennedy, N.Y.	Russell
Cotton	Kuchel	Smith
Curtis	Lausche	Sparkman
Dominick	Long, La.	Spong
Eastland	Mansfield	Stennis
Ellender	McCarthy	Symington
Ervin	McClellan	Talmadge
Fannin	McGee	Thurmond
Fong	McGovern	Tower
Fulbright	McIntyre	Tydings
Gore	Metcalf	Williams, N.J.
Gruening	Miller	Williams, Del.
Hansen	Mondale	Yarborough
Harris	Monroney	Young, N. Dak.
Hartke	Morse	

NAYS—0

NOT VOTING—23

Anderson	Dirksen	Montoya
Baker	Dodd	Morton
Bible	Griffin	Murphy
Brooke	Hart	Pastore
Cannon	Hickenlooper	Scott
Carlson	Hruska	Smathers
Church	Long, Mo.	Young, Ohio
Cooper	Magnuson	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FLOOD INSURANCE ACT OF 1967

Mr. SPARKMAN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate bill 1985.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1985) to amend the Federal Flood Insurance Act of 1956, to provide for a national program of flood insurance, and for other purposes, which was, to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Flood Insurance Act of 1967".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that (1) from time to time flood disasters have created personal hardships and economic distress which have required unforeseen-disaster relief measures and have placed an increasing burden on the Nation's resources; (2) despite the installation of preventive and protective works and the adoption of other public programs designed to reduce losses caused by flood damage, these methods have not been sufficient to protect adequately against growing exposure to future flood losses; (3) as a matter of national policy, a reasonable method of sharing the risk of flood losses is through a program of flood insurance which can complement and encourage preventive and protective measures; and (4) if such a program is initiated and carried out gradually, it can be expanded as knowledge is gained and experience is appraised, thus eventually making flood insurance coverage available on reasonable terms and conditions to persons who have need for such protection.

(b) The Congress also finds that (1) many factors have made it uneconomic for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions; but (2) a program of flood insurance with large-scale participation of the Federal Government and carried out to the maximum extent practicable by the private insurance industry is feasible and can be initiated.

(c) The Congress further finds that (1) a program of flood insurance can promote the public interest by providing appropriate protection against the perils of flood losses and encouraging sound land use by minimizing exposure of property to flood losses; and (2) the objectives of a flood insurance program should be integrally related to a unified national program for flood plain management and, to this end, it is the sense of Congress that within two years following the date of the enactment of this Act the President should transmit to the Congress for its consideration any further proposals necessary for such a unified program, including proposals for the allocation of costs among beneficiaries of flood protection.

(d) It is therefore the purpose of this Act to (1) authorize a flood insurance program by means of which flood insurance, over a period of time, can be made available on a nationwide basis through the cooperative efforts of the Federal Government and the private insurance industry, and (2) provide flexibility in the program so that such flood insurance may be based on workable methods of pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected by flood insurance and the general public.

(e) It is the further purpose of this Act to (1) encourage State and local governments to make appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses, (2) guide the development of proposed future construction, where practicable, away from locations which are threatened by flood hazards, (3) encourage lending and credit institutions, as a matter of national policy to assist in furthering the objectives of the flood insurance program, (4) assure that any Federal assistance provided under the program will be related closely to all flood-related programs and activities of the Federal Government, and (5) authorize continuing studies of flood hazards in order to provide for a constant reappraisal of the flood insurance program and its effect on land use requirements.

REPEAL OF FEDERAL FLOOD INSURANCE ACT OF 1956

SEC. 3. The Federal Flood Insurance Act of 1956 is repealed.

TITLE I—THE NATIONAL FLOOD INSURANCE PROGRAM

BASIC AUTHORITY

SEC. 101. (a) To carry out the purposes of this Act, the Secretary of Housing and Urban Development is authorized to establish and carry out a national flood insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States.

(b) In carrying out the flood insurance program the Secretary shall, to the maximum extent practicable, encourage and arrange for—

(1) appropriate financial participation and risk sharing in the program by insurance companies and other insurers, and

(2) other appropriate participation, on other than a risk-sharing basis, by insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations,

in accordance with the provisions of title II.

SCOPE OF PROGRAM AND PRIORITIES

SEC. 102. (a) In carrying out the flood insurance program the Secretary shall afford a priority to making flood insurance available to cover residential properties which are designed for the occupancy of from one to four families and business properties which are owned or leased and operated by small business concerns.

(b) If on the basis of—

(1) studies and investigations undertaken and carried out and information received or exchanged under section 104, and

(2) such other information as may be necessary, the Secretary determines that it would be feasible to extend the flood insurance program to cover any types or classes of—

(A) other residential properties,

(B) other business properties,

(C) agricultural properties,

(D) properties occupied by private nonprofit organizations, or

(E) properties owned by State and local governments and agencies thereof,

he shall transmit such determination to the Congress together with his recommendations with respect to any such extension of the program.

(c) The Secretary shall make flood insurance available in only those States or areas

(or subdivisions thereof) which he had determined have—

(1) evidenced a positive interest in securing flood insurance coverage under the flood insurance program, and

(2) given satisfactory assurance that by June 30, 1970, permanent land use and control measures will have been adopted for the State or area (or subdivision) which are consistent with the comprehensive criteria for land management and use developed under section 302, and that the application and enforcement of such measures will commence as soon as technical information on floodways and on controlling flood elevations is available.

NATURE AND LIMITATION OF INSURANCE COVERAGE

SEC. 103. (a) The Secretary shall from time to time, after consultation with the advisory committee authorized under section 115, appropriate representatives of the pool formed or otherwise created under section 211, and appropriate representatives of the insurance authorities of the respective States, provide by regulation for general terms and conditions of insurability which shall be applicable to properties eligible for flood insurance coverage under section 102, including—

(1) the types, classes, and locations of any such properties which shall be eligible for flood insurance;

(2) the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such insurance;

(3) the classification, limitation, and rejection of any risks which may be advisable;

(4) appropriate minimum premiums;

(5) appropriate loss-deductibles; and

(6) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the purposes of this Act.

(b) In addition to any other terms and conditions under subsection (a), such regulations shall provide that—

(1) any flood insurance coverage based on chargeable premium rates under section 105 which are less than the estimated premium rates under section 104(a)(1) shall not exceed—

(A) in the case of residential properties which are designed for the occupancy of from one to four families—

(i) $17,500 aggregate liability for any dwelling unit, and $30,000 for any single dwelling structure containing more than one dwelling unit, and

(ii) $5,000 aggregate liability per dwelling unit for any contents related to such unit;

(B) in the case of business properties which are owned or leased and operated by small business concerns, an aggregate liability with respect to any single structure, including any contents thereof related to premises of small business occupants (as that term is defined by the Secretary), which shall be equal to (i) $30,000 plus (ii) $5,000 multiplied by the number of such occupants and shall be allocated among such occupants (or among the occupant or occupants and the owner) under regulations prescribed by the Secretary; except that the aggregate liability for the structure itself may in no case exceed $30,000; and

(C) in the case of any other properties which may become eligible for flood insurance coverage under section 102—

(i) $30,000 aggregate liability for any single structure, and

(ii) $5,000 aggregate liability per dwelling unit for any contents related to such unit in the case of residential properties, or per occupant (as that term is defined by the Secretary) for any contents related to the premises occupied in the case of any other properties; and

(2) any flood insurance coverage which may be made available in excess of any of the limits specified in subparagraph (A), (B), or (C) of paragraph (1) (or allocated to any person under subparagraph (B) of such paragraph) shall be based only on chargeable premium rates under section 105 which are not less than the estimated premium rates under section 104(a)(1), and the amount of such excess coverage shall not in any case exceed an amount which is equal to the applicable limit so specified (or allocated).

ESTIMATES OF PREMIUM RATES

SEC. 104. (a) The Secretary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate, and shall from time to time estimate, on an area, subdivision, or other appropriate basis—

(1) the risk premium rates for flood insurance which—

(A) based on consideration of the risk involved and accepted actuarial principles, and

(B) including—

(i) the applicable operating costs and allowances set forth in the schedules prescribed under section 108 and reflected in such rates, and

(ii) any administrative expenses (or portion of such expenses) of carrying out the flood insurance program which, in his discretion, should properly be reflected in such rates,

would be required in order to make such insurance available on an actuarial basis for any types and classes of properties for which insurance coverage is available under section 102(a) (or is recommended to the Congress under section 102(b));

(2) the rates, if less than the rates estimated under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase flood insurance, and would be consistent with the purposes of this Act; and

(3) the extent, if any, to which Federally-assisted or other flood protection measures initiated after the date of the enactment of this Act affect such rates.

(b) In carrying out subsection (a), the Secretary shall, to the maximum extent feasible and on a reimbursement basis, utilize the services of the Department of the Army, the Department of the Interior, the Department of Agriculture, the Department of Commerce, and the Tennessee Valley Authority, and, as appropriate, other Federal departments or agencies, and for such purposes may enter into agreements or other appropriate arrangements with any persons.

(c) The Secretary shall give priority to conducting studies and investigations and making estimates under this section in those States or areas (or subdivisions thereof) which he has determined have evidenced a positive interest in securing flood insurance coverage under the flood insurance program.

ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

SEC. 105. (a) On the basis of estimates made under section 104 and such other information as may be necessary, the Secretary shall from time to time, after consultation with the advisory committee authorized under section 115, appropriate representatives of the pool formed or otherwise created under section 211, and appropriate representatives of the insurance authorities of the respective States, prescribe by regulation—

(1) chargeable premium rates for any types and classes of properties for which insurance coverage shall be available under section 102 (at less than the estimated risk premium rates under section 104(a)(1), where necessary), and

(2) the terms and conditions under which, and the areas (including subdivisions thereof) within which, such rates shall apply.

(b) Such rates shall, insofar as practicable, be—

(1) based on a consideration of the respective risks involved, including differences in risks due to land use measures, flood-proofing, flood forecasting, and similar measures,

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or, if less than such amount, consistent with the objective of making flood insurance available where necessary at reasonable rates so as to encourage prospective insureds to purchase such insurance and with the purposes of this Act, and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates under section 104(a)(1) and the estimated rates under section 104(a)(2).

(c) Notwithstanding any other provision of this Act, the chargeable rate with respect to any property, the construction or substantial improvement of which the Secretary determines has been started after the identification of the area in which such property is located has been published under paragraph (1) of section 301, shall not be less than the applicable estimated risk premium rate for such area (or subdivision thereof) under section 104(a)(1).

(d) In the event any chargeable premium rate prescribed under this section—

(1) is a rate which is not less than the applicable estimated risk premium rate under section 104(a)(1), and

(2) includes any amount for administrative expenses of carrying out the flood insurance program which have been estimated under clause (ii) of section 104(a)(1)(B), a sum equal to such amount shall be paid to the Secretary, and he shall deposit such sum in the National Flood Insurance Fund established under section 107.

AUTHORIZATION OF PROGRAM FUNDS

SEC. 106. There are hereby authorized to be appropriated such sums not exceeding $500,000,000 in the aggregate as may be necessary for the flood insurance program under this Act. Sums appropriated pursuant to this section shall remain available until advanced to the Secretary at his request for deposit in the National Flood Insurance Fund established under section 107.

NATIONAL FLOOD INSURANCE FUND

SEC. 107. (a) To carry out the flood insurance program authorized by this Act, the Secretary is authorized to establish in the Treasury of the United States a National Flood Insurance Fund (hereinafter referred to as the "fund") which shall be available, without fiscal year limitation—

(1) for making such payments as may, from time to time, be required under section 214;

(2) to pay reinsurance claims under the excess loss reinsurance coverage provided under section 215; and

(3) for the purposes specified in subsection (d) under the conditions provided therein.

(b) The fund shall be credited with—

(1) premiums, fees, or other charges which may be paid or collected in connection with the excess loss reinsurance coverage provided under section 215;

(2) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

(3) interest which may be earned on investments of the fund pursuant to subsection (c);

(4) such sums as are required to be paid to the Secretary under section 105(d); and

(5) receipts from any other operations under this Act (including premiums under the conditions specified in subsection (d), and salvage proceeds, if any, resulting from reinsurance coverage).

(c) If, after—

(1) all outstanding obligations of the fund have been liquidated, and

(2) any outstanding amounts which may have been advanced to the fund from appropriations authorized under section 407(a)

(2)(B) have been credited to the appropriation from which advanced, with interest accrued at the rate prescribed under section 15(e) of the Federal Flood Insurance Act of 1956, as in effect immediately prior to the enactment of this Act,

the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(d) In the event the Secretary makes a finding in accordance with the provisions of section 221 that operation of the flood insurance program, in whole or in part, should be carried out through the facilities of the Federal Government, the fund shall be available for all purposes incident thereto, including—

(1) costs incurred in the adjustment and payment of any claims for losses, and

(2) payment of applicable operating costs set forth in the schedules prescribed under section 108,

for so long as the program is so carried out, and in such event any premiums paid shall be deposited by the Secretary to the credit of the fund.

OPERATING COSTS AND ALLOWANCES

SEC. 108. (a) The Secretary shall from time to time negotiate with appropriate representatives of the insurance industry for the purpose of establishing—

(1) a current schedule of operating costs applicable both to risk-sharing insurance companies and other insurers and to insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations participating on other than a risk-sharing basis, and

(2) a current schedule of operating allowances applicable to risk-sharing insurance companies and other insurers,

which may be payable in accordance with the provisions of title II, and such schedules shall from time to time be prescribed in regulations.

(b) For purposes of subsection (a)—

(1) the term "operating costs" shall (without limiting such term) include—

(A) expense reimbursements covering the direct, actual, and necessary expenses incurred in connection with selling and servicing flood insurance coverage;

(B) reasonable compensation payable for selling and servicing flood insurance coverage, or commissions or service fees paid to producers;

(C) loss adjustment expenses; and

(D) other direct, actual, and necessary expenses which the Secretary finds are incurred in connection with selling or servicing flood insurance coverage; and

(2) the term "operating allowances" shall (without limiting such term) include amounts for profit and contingencies which the Secretary finds reasonable and necessary to carry out the purposes of this Act.

PAYMENT OF CLAIMS

SEC. 109. The Secretary is authorized to prescribe regulations establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage to or loss of property which is covered by flood insurance made available under the provisions of this Act.

DISSEMINATION OF FLOOD INSURANCE INFORMATION

SEC. 110. The Secretary shall from time to time take such action as may be necessary in order to make information and data available to the public, and to any State or local agency or official, with regard to—

(1) the flood insurance program, its coverage and objectives, and

(2) estimated and chargeable flood insurance premium rates, including the basis for and differences between such rates in accordance with the provisions of section 105.

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

SEC. 111. (a) Notwithstanding the provisions of any other law, no Federal disaster assistance shall be made available to any person—

(1) for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage is covered by a valid claim which may be adjusted and paid under flood insurance made available under the authority of this Act, or

(2) except in the situation provided for under subsection (b), for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage could have been covered by a valid claim under flood insurance which had been made available under the authority of this Act, if—

(A) such loss, destruction, or damage occurred subsequent to one year following the date flood insurance was made available in the area (or subdivision thereof) in which such property or the major part thereof was located, and

(B) such property was eligible for flood insurance under this Act at that date;

and in such circumstances the extent that such loss, destruction, or damage could have been covered shall be presumed (for purposes of this subsection) to be an amount not less than the maximum limit of insurable loss or damage applicable to such property in such area (or subdivision thereof), pursuant to regulations under section 103, at the time insurance was made available in such area (or subdivision thereof).

(b) In order to assure that the provisions of subsection (a)(2) will not create undue hardship for low-income persons who might otherwise benefit from the provision of Federal disaster assistance, the Secretary shall provide by regulation for the circumstances in which the provisions of subsection (a)(2) shall not be applicable to any such persons.

(c) For purposes of this section, "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) a major disaster (within the meaning of that term as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to State and local governments in major disasters, and for other purposes", as amended (42 U.S.C. 1855–1855g)),

(2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), or

(3) a disaster with respect to which loans may be made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(d) For purposes of section 10 of the Disaster Relief Act of 1966 (80 Stat. 1320), the term "financial assistance" shall be deemed to include any flood insurance which is made available under this Act.

STATE AND LOCAL LAND USE CONTROLS

SEC. 112. After June 30, 1970, no new flood insurance coverage shall be provided under this Act in any area (or subdivision thereof) unless an appropriate public body shall have adopted permanent land use and control measures (with effective enforcement provisions) which the Secretary finds are consistent with the comprehensive criteria for land management and use under section 302.

PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

SEC. 113. No new flood insurance coverage shall be provided under this Act for any property which the Secretary finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

COORDINATION WITH OTHER PROGRAMS

SEC. 114. In carrying out this Act, the Secretary shall consult with other departments and agencies of the Federal Government, and with interstate, State, and local agencies having responsibilities for flood control, flood forecasting, or flood damage prevention, in order to assure to the maximum extent practicable that the programs of such agencies and the flood insurance program authorized under this Act are mutually consistent.

ADVISORY COMMITTEE

SEC. 115. (a) The Secretary shall appoint a flood insurance advisory committee, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such committee shall advise the Secretary in the preparation of any regulations prescribed in accordance with this Act and with respect to policy matters arising in the administration of this Act, and shall perform such other responsibilities as the Secretary may, from time to time, assign to such committee.

(b) Such committee shall consist of not more than fifteen persons and such persons shall be selected from among representatives of—

(1) the insurance industry,

(2) State and local governments,

(3) lending institutions,

(4) the homebuilding industry, and

(5) the general public.

(c) Members of the committee shall, while attending conferences or meetings thereof, be entitled to receive compensation at a rate fixed by the Secretary but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

INITIAL PROGRAM LIMITATION

SEC. 116. The face amount of flood insurance coverage outstanding and in force at any one time under this Act shall not exceed the sum of $2,500,000,000.

REPORT TO THE PRESIDENT

SEC. 117. The Secretary shall include a report of operations under this Act in the annual report to the President for submission to the Congress required by section 8 of the Department of Housing and Urban Development Act.

TITLE II—ORGANIZATION AND ADMINISTRATION OF THE FLOOD INSURANCE PROGRAM

ORGANIZATION AND ADMINISTRATION

SEC. 201. Following such consultation with representatives of the insurance industry as may be necessary, the Secretary shall implement the flood insurance program authorized under title I in accordance with the provisions of part A of this title and, if a determination is made by him under section 221, under part B of this title.

PART A—INDUSTRY PROGRAM WITH FEDERAL FINANCIAL ASSISTANCE

INDUSTRY FLOOD INSURANCE POOL

SEC. 211. (a) The Secretary is authorized to encourage and otherwise assist any insurance companies and other insurers which meet the requirements prescribed under subsection (b) to form, associate, or otherwise join together in a pool—

(1) in order to provide the flood insurance coverage authorized under title I; and

(2) for the purpose of assuming, on such terms and conditions as may be agreed upon, such financial responsibility as will enable such companies and other insurers, with the

Federal financial and other assistance available under this Act, to assume a reasonable proportion of responsibility for the adjustment and payment of claims for losses under the flood insurance program.

(b) In order to promote the effective administration of the flood insurance program under this part, and to assure that the objectives of this Act are furthered, the Secretary is authorized to prescribe appropriate requirements for insurance companies and other insurers participating in such pool including, but not limited to, minimum requirements for capital or surplus or assets.

AGREEMENTS WITH FLOOD INSURANCE POOL

SEC. 212. (a) The Secretary is authorized to enter into such agreements with the pool formed or otherwise created under this part as he deems necessary to carry out the purposes of this Act.

(b) Such agreements shall specify—

(1) the terms and conditions under which risk capital will be available for the adjustment and payment of claims,

(2) the terms and conditions under which the pool (and the companies and other insurers participating therein) shall participate in premiums received and profits or losses realized or sustained,

(3) the maximum amount of profit, established by the Secretary and set forth in the schedules prescribed under section 108, which may be realized by such pool (and the companies and other insurers participating therein),

(4) the terms and conditions under which operating costs and allowances set forth in the schedules prescribed under section 108 may be paid, and

(5) the terms and conditions under which premium equalization payments under section 214 will be made and reinsurance claims under section 215 will be paid.

(c) In addition, such agreements shall contain such provisions as the Secretary finds necessary to assure that—

(1) no insurance company or other insurer which meets the requirements prescribed under section 211(b), and which has indicated an intention to participate in the flood insurance program on a risk-sharing basis, will be excluded from participating in the pool,

(2) the insurance companies and other insurers participating in the pool will take whatever action may be necessary to provide continuity of flood insurance coverage by the pool, and

(3) any insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations will be permitted to cooperate with the pool as fiscal agents or otherwise, on other than a risk-sharing basis, to the maximum extent practicable.

ADJUSTMENT AND PAYMENT OF CLAIMS AND JUDICIAL REVIEW

SEC. 213. The insurance companies and other insurers which form, associate, or otherwise join together in the pool under this part may adjust and pay all claims for proved and approved losses covered by flood insurance in accordance with the provisions of this Act and, upon the disallowance by any such company or other insurer of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within one year after the date of mailing of notice of disallowance or partial disallowance of the claim, may institute an action on such claim against such company or other insurer in the United States district court for the district in which the insured property or the major part thereof shall have been situated, and jurisdiction is hereby conferred upon such court to hear and determine such action without regard to the amount in controversy.

PREMIUM EQUALIZATION PAYMENTS

SEC. 214. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to the pool formed or otherwise created under section 211, in recognition of such reductions in chargeable premium rates under section 105 below estimated premium rates under section 104(a)(1) as are required in order to make flood insurance available on reasonable terms and conditions.

(b) Such payments shall be based only on the aggregate amount of flood insurance retained by the pool after ceding reinsurance in accordance with the provisions of section 215, and shall not exceed an aggregate amount in any payment period equal to the sum of the following:

(1) an amount for losses which bears the same ratio to the amount of all proved and approved claims for losses under this Act during any designated period as the amount equal to the difference between—

(A) the sum of all premium payments for flood insurance coverage in force under this Act during such designated period which would have been payable during such period if all such coverage were based on estimated risk premium rates under section 104(a)(1) (excluding any administrative expenses which may be reflected in such rates, as specified in clause (ii) of section 104(a)(1)(B)), and

(B) the sum of the premium payments actually paid or payable for such insurance under this Act during such period,

bears to the amount specified in clause (A); and

(2) subject to the terms and conditions specified in the agreements entered into with the pool under section 212, a proportionate amount for appropriate operating costs and allowances (as set forth in the schedules prescribed under section 108) during any designated period which bears the same ratio to the total amount of such operating costs and allowances during such period as the ratio specified in paragraph (1).

(c) Designated periods under this section and the methods for determining the sum of premiums paid or payable during such periods shall be established by the Secretary.

REINSURANCE COVERAGE

SEC. 215. (a) The Secretary is authorized to take such action as may be necessary in order to make available, to the pool formed or otherwise created under section 211, reinsurance for losses (due to claims for proved and approved losses covered by flood insurance) which are in excess of losses assumed by such pool in accordance with the excess loss agreement entered into under subsection (c).

(b) Such reinsurance shall be made available pursuant to contract, agreement, or any other arrangement, in consideration of such payment of a premium, fee, or other charge as the Secretary finds necessary to cover anticipated losses and other costs of providing such reinsurance.

(c) The Secretary is authorized to negotiate an excess loss agreement, from time to time, under which the amount of flood insurance retained by the pool, after ceding reinsurance, shall be adequate to further the purposes of this Act, consistent with the objective of maintaining appropriate financial participation and risk sharing to the maximum extent practicable on the part of participating insurance companies and other insurers.

(d) All reinsurance claims for losses in excess of losses assumed by the pool shall be submitted on a portfolio basis by such pool in accordance with terms and conditions established by the Secretary.

PART B—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

FEDERAL OPERATION OF THE PROGRAM

SEC. 221. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the flood insurance program as provided under part A cannot be carried out, or that such operation, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for flood insurance under this Act (on a temporary or other basis), he shall promptly undertake any necessary arrangements to carry out the program of flood insurance authorized under title I through the facilities of the Federal Government, utilizing, as may be practicable for purposes of providing flood insurance coverage, insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States.

(b) Upon making the determination referred to in subsection (a), and at least thirty days prior to implementing the program of flood insurance authorized under title I through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

(1) state the reasons for such determination,

(2) be supported by pertinent findings,

(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing flood insurance coverage under the program, and

(4) contain such recommendations as the Secretary deems advisable.

ADJUSTMENT AND PAYMENT OF CLAIMS AND JUDICIAL REVIEW

SEC. 222. In the event the program is carried out as provided in section 221, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by flood insurance, and upon the disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within one year after the date of mailing of notice of disallowance or partial disallowance by the Secretary, may institute an action against the Secretary on such claim in the United States district court for the district in which the insured property or the major part thereof shall have been situated, and jurisdiction is hereby conferred upon such court to hear and determine such action without regard to the amount in controversy.

PART C—PROVISIONS OF GENERAL APPLICABILITY SERVICES BY INSURANCE INDUSTRY

SEC. 231. (a) In administering the flood insurance program under this title, the Secretary is authorized to enter into any contracts, agreements, or other appropriate arrangements which may, from time to time, be necessary for the purpose of utilizing, on such terms and conditions as may be agreed upon, the facilities and services of any insurance companies or other insurers, insurance agents and brokers, or insurance adjustment organizations; and such contracts, agreements, or arrangements may include provision for payment of applicable operating costs and allowances for such facilities and services as set forth in the schedules prescribed under section 108.

(b) Any such contracts, agreements, or other arrangements may be entered into without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring competitive bidding.

USE OF INSURANCE POOL, COMPANIES, OR OTHER PRIVATE ORGANIZATIONS FOR CERTAIN PAYMENTS

SEC. 232. (a) In order to provide for maximum efficiency in the administration of the flood insurance program and in order to facilitate the expeditious payment of any Federal funds under such program, the Secretary may enter into contracts with the pool formed or otherwise created under section 211, or any insurance company or other private organization, for the purpose of securing performance by such pool, company, or organization of any or all of the following responsibilities:

(1) estimating and later determining any amounts of payments to be made;

(2) receiving from the Secretary, disbursing, and accounting for funds in making such payments;

(3) making such audits of the records of any insurance company or other insurer, insurance agent or broker, or insurance adjustment organization as may be necessary to assure that proper payments are made; and

(4) otherwise assisting in such manner as the contract may provide to further the purposes of this Act.

(b) Any contract with the pool or an insurance company or other private organization under this section may contain such terms and conditions as the Secretary finds necessary or appropriate for carrying out responsibilities under subsection (a), and may provide for payment of any costs which the Secretary determines are incidental to carrying out such responsibilities which are covered by the contract.

(c) Any contract entered into under subsection (a) may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring competitive bidding.

(d) No contract may be entered into under this section unless the Secretary finds that the pool, company, or organization will perform its obligations under the contract efficiently and effectively, and will meet such requirements as to financial responsibility, legal authority, and other matters as he finds pertinent.

(e) (1) Any such contract may require the pool, company, or organization or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

(2) No individual designated pursuant to a contract under this section to certify payments shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment certified by him under this section.

(3) No officer disbursing funds shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this section if it was based upon a voucher signed by an individual designated to certify payments as provided in paragraph (2) of this subsection.

(f) Any contract entered into under this section shall be for a term of one year, and may be made automatically renewable from term to term in the absence of notice by either party of an intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after reasonable notice to the pool, company, or organization involved) if he finds that the pool, company, or organization has failed substantially to carry out the contract, or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the flood insurance program authorized under this Act.

SETTLEMENT AND ARBITRATION

SEC. 233. (a) The Secretary is authorized to make final settlement of any claims or demands which may arise as a result of any financial transactions which he is authorized to carry out under this title, and may, to assist him in making any such settlement, refer any disputes relating to such claims or demands to arbitration, with the consent of the parties concerned.

(b) Such arbitration shall be advisory in nature, and any award, decision, or recommendation which may be made shall become final only upon the approval of the Secretary.

RECORDS AND AUDITS

SEC. 234. (a) The flood insurance pool formed or otherwise created under part A of this title, and any insurance company or other private organization executing any contract, agreement, or other appropriate arrangement with the Secretary under part B of this title or this part, shall keep such records as the Secretary shall prescribe, including records which fully disclose the total costs of the program undertaken or the services being rendered, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the pool and any such insurance company or other private organization that are pertinent to the costs of the program undertaken or the services being rendered.

TITLE III—COORDINATION OF FLOOD INSURANCE WITH LAND-MANAGEMENT PROGRAMS IN FLOOD-PRONE AREAS

IDENTIFICATION OF FLOOD-PRONE AREAS

SEC. 301. The Secretary is authorized to consult with, receive information from, and enter into any agreements or other arrangements with the Secretaries of the Army, the Interior, Agriculture, and Commerce, the Tennessee Valley Authority, and the heads of other Federal departments or agencies, on a reimbursement basis, or with the head of any State or local agency, in order that he may—

(1) identify and publish information with respect to all flood plain areas, including coastal areas located in the United States, which have special flood hazards, within five years following the date of the enactment of this Act, and

(2) establish flood-risk zones in all such areas, and make estimates with respect to the rates of probable flood-caused loss for the various flood-risk zones for each of these areas, within fifteen years following such date.

CRITERIA FOR LAND MANAGEMENT AND USE

SEC. 302. (a) The Secretary is authorized to carry out studies and investigations, utilizing to the maximum extent practicable the existing facilities and services of other Federal departments or agencies, and State and local governmental agencies, and any other organizations, with respect to the adequacy of State and local measures in flood-prone areas as to land management and use, flood control, flood zoning, and flood damage prevention, and may enter into any contracts, agreements, or other appropriate arrangements to carry out such authority.

(b) Such studies and investigations shall include, but not be limited to, laws, regulations, or ordinances relating to encroachments and obstructions on stream channels and floodways, the orderly development and use of flood plains of rivers or streams, floodway encroachment lines, and flood plain zoning, building codes, building permits, and subdivision or other building restrictions.

(c) On the basis of such studies and investigations, and such other information as he deems necessary, the Secretary shall from time to time develop comprehensive criteria designed to encourage, where necessary, the adoption of permanent State and local measures which, to the maximum extent feasible, will—

(1) constrict the development of land which is exposed to flood damage where appropriate,

(2) guide the development of proposed construction away from locations which are threatened by flood hazards,

(3) assist in reducing damage caused by floods, and

(4) otherwise improve the long-range land management and use of flood-prone areas, and he shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of such criteria and the adoption and enforcement of such measures.

PURCHASE OF CERTAIN INSURED PROPERTIES

SEC. 303. The Secretary may, when he determines that the public interest would be served thereby, enter into negotiations with any owner of real property or interests therein which—

(1) was located in any flood-risk area, as determined by the Secretary,

(2) was covered by flood insurance under the flood insurance program authorized under this Act, and

(3) was damaged substantially beyond repair by flood while so covered,

and may purchase such property or interests therein, for subsequent transfer, by sale, lease, donation, or otherwise, to any State or local agency which enters into an agreement with the Secretary that such property shall, for a period not less than forty years following transfer, be used for only such purposes as the Secretary may, by regulation, determine to be consistent with sound land management and use in such area.

TITLE IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 401. As used in this Act—

(1) the term "flood" shall have such meaning as may be prescribed in regulations of the Secretary, and may include inundation from rising waters or from the overflow of streams, rivers, or other bodies of water, or from tidal surges, abnormally high tidal water, tidal waves, tsunamis, hurricanes, or other severe storms or deluge;

(2) the terms "United States" (when used in a geographic sense) and "State" include the several States, the District of Columbia, the territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands;

(3) the terms "insurance company", "other insurer", and "insurance agent or broker" include any organizations and persons authorized to engage in the insurance business under the laws of any State;

(4) the term "insurance adjustment organization" includes any organizations and persons engaged in the business of adjusting loss claims arising under insurance policies issued by any insurance company or other insurer;

(5) the term "person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

STUDIES OF OTHER NATURAL DISASTERS

SEC. 402. (a) The Secretary is authorized to undertake such studies as may be necessary for the purpose of determining the extent to which insurance protection against earthquakes or any other natural disaster perils, other than flood, is not available from public or private sources, and the feasibility of such insurance protection being made available.

(b) Studies under this section shall be carried out, to the maximum extent practicable, with the cooperation of other Federal departments and agencies and State and local agencies, and the Secretary is authorized to consult with, receive information from, and enter into any necessary agreements or other arrangements with such other Federal departments and agencies (on a reimbursement basis) and such State and local agencies.

PAYMENTS

SEC. 403. Any payments under this Act may be made (after necessary adjustment on account of previously-made underpayments or overpayments) in advance or by way of reimbursement, and in such installments

and on such conditions, as the Secretary may determine.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 404. The provisions of the Government Corporation Control Act shall apply to the program authorized under this Act to the same extent as they apply to wholly owned Government corporations.

FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

SEC. 405. Notwithstanding the provisions of any other law—

(1) any financial transaction authorized to be carried out under this Act, and

(2) any payment authorized to be made or to be received in connection with any such financial transaction, shall be final and conclusive upon all officers of the Government.

ADMINISTRATIVE EXPENSES

SEC. 406. Any administrative expenses which may be sustained by the Federal Government in carrying out the flood insurance program authorized under this Act may be paid out of appropriated funds.

APPROPRIATIONS

SEC. 407. (a) There are hereby authorized to be appropriated such sums as may from time to time be necessary to carry out this Act, including sums—

(1) to cover administrative expenses authorized under section 406;

(2) to reimburse the National Flood Insurance Fund established under section 107 for—

(A) premium equalization payments under section 214 which have been made from such fund; and

(B) reinsurance claims paid under the excess loss reinsurance coverage provided under section 215; and

(3) to make such other payments as may be necessary to carry out the purposes of this Act.

(b) All such funds shall be available without fiscal year limitation.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House to the bill, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. WILLIAMS of New Jersey, Mr. PROXMIRE, Mr. BENNETT, and Mr. HICKENLOOPER conferees on the part of the Senate.

THE 45TH ANNIVERSARY OF THE BETTER BUSINESS BUREAU

Mr. JAVITS. Mr. President, on October 19, the Better Business Bureau of New York celebrated its 45th anniversary, marking nearly a half century of invaluable service to the public.

Formed and supported by the business community itself, the Bureau has, since its inception, served many different kinds consumers from the newly arrived immigrant to the suburban housewife of the 1960's.

By setting up standards of ethical business practice and by serving as a clearing house of information, the Better Business Bureau is an example of the kind of business self-regulation which should be encouraged in a free society.

Mr. President, I ask unanimous consent to have an article published in the New York Times on October 10, concerning this anniversary, printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 1967]

BETTER BUSINESS BUREAU ALTERS APPROACH ON AIDING CONSUMER—HELP FOR CONSUMERS BEFORE THEY BUY TO BE STRESSED

(By Isadore Barmash)

The Better Business Bureau of Metropolitan New York, which for the last 45 years has tried to help business by helping the consumer, likes to describe a consumer-business rub as an "abrasive situation."

In the next five years, however, the 70-man local Better Business Bureau hopes to remove any potential abrasiveness by a new program of prevention, as opposed to the traditional curative approach.

At noon today, some 1,200 businessmen will attend a luncheon at the Waldorf-Astoria Hotel to celebrate the 45th anniversary of the bureau here. Mayor Lindsay has already provided the proper city-wide framework for the event proclaiming this week "Better Business Week" in New York City.

The New York B.B.B.'s role of handling about 260,000 inquiries and requests for service a year projects it into a tender role at a time when "consumerism" has become a hot issue in Washington and almost every city and town in America.

But Woodrow Wirsig, the 51-year-old full-time president of the Bureau, is convinced that business has a clear direction in its difficult battle to expand its growth and profits while at the same time giving the consumer as much consideration as he needs.

That direction, he declared yesterday, is vigorous self regulation.

In these days when consumer groups are urging Federal help, when the Administration has its own consumer affairs representative and when Congress frequently either proposes new legislation or investigates business practices, the businessmen must steer a course of voluntary, or self, regulation, he said.

"The best thing for the consumer is for business to prosper and to create jobs," Mr. Wirsig observed.

The Better Business Bureau here hopes to expand its efforts to emphasize the "virtues of self regulation," but these will be carried on simultaneously with a consumer educational program to be aimed at "helping all people to funnel their buying to reputable business," he said.

In recent weeks, this effort has involved the publication of a furniture-buying guide in Spanish for Spanish-speaking people. Soon it will also include an instructional booklet in Spanish for bereaved families who will need guidance in finding reputable funeral directors.

"We hope soon to open branch offices in low-income sections of the metropolitan New York area to provide guidance and information," Mr. Wirsig said.

"A good many of the people in the most poverty-stricken sections do not read English and so do not frequent supermarkets," he said. "Hence, they are prey for unscrupulous sellers."

Within the last decade, the New York Bureau has found that it is putting less time on instances of outright fraud than on the new "gray" area of misleading or confusing advertising or cases of store service complaints, according to Arthur Startz, executive vice president, operations.

The Bureau also observes these trends:

The growth rate of complaints is being exceeded by that of inquiries, indicating a healthier trend of consumers to ask first and buy afterward.

More business people are calling the Better Business Bureau before running advertising to assure adherence to Bureau and industry standards.

Requests for service this year through Aug. 30 increased 4.5 per cent, to 182,697 from the year-earlier 174,297, in all three of the local Bureau's offices.

These are at 220 Church Street, Manhattan, the largest central office; the Long Island bureau, at 131 Jericho Turnpike, Jericho, L.I., and the bureau serving Bergen, Passaic and Rockland Counties at 2 Forst Avenue, Paramus, N. J.

A Westchester County branch is expected to be opened soon.

According to a recent analysis of 2,928 letters to the Bureau, most complaints refer to nondelivery or partial delivery, loss of merchandise and unsatisfactory workmanship, installation or service.

Stressing a bold, new program of prevention through education and guidance, the Better Business Bureau hopes in the next five years to increase its 5,200 business members to 12,000 to 15,000, Mr. Wirsig said. The New York B.B.B. is the largest of about 130 in the nation and its budget of $830,000 is by far the biggest.

The Bureau has a staff of shoppers who visit stores and other businesses to check advertising. It is increasing its special bulletins and "alerts" on specific subjects to businessmen.

Mr. Wirsig, who joined the Better Business Bureau last year, is a former editor of Printer's Ink, former editor of Woman's Home Companion, former executive editor of Look magazine and a writer on business subjects. Mr. Startz is a former professor of economics. Andrew Goodman, president of Bergdorf Goodman, is this year's chairman of the board of the New York Bureau.

NEGATIVE INCOME TAX

Mr. WILLIAMS of Delaware. Mr. President, last night, in the Washington Evening Star, there was published an article entitled "United States Will Finance Test of Guaranteed Income," written by Robert Walters.

In this article, attention is called to the fact that the Government will conduct a trial program on a negative income tax plan.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Nov. 1, 1967]

UNITED STATES WILL FINANCE TEST OF GUARANTEED INCOME

(By Robert Walters)

The federal government has agreed to fund a "guaranteed income" program designed to determine whether a "negative income tax" can be substituted for the wide variety of welfare programs now used to aid the poor.

The experimental program, approved earlier this year by the Office of Economic Opportunity, has been described by the economists who will conduct the project as "a revolutionary step in economic research."

But as a precedent-setting move, it may draw political fire.

Under the negative tax plan, those families whose income fell below the line established by the government as the poverty level would receive direct, unconditional payments from the Treasury rather than pay taxes.

Under the more sophisticated "work incentive" version being tested with OEO funds, the payments would decrease as the family's earned income increased, but the total of the two sources would steadily rise until the poverty line was passed.

For example, a family with a weekly income of $50 might receive a $40 supplemental payment from the government. If the out-

side income rose to $60, the federal payment would drop to $35.

Thus, although the government contribution would decrease by $5, the family would have an incentive to earn additional money through regular employment because the total receipts in the example would rise from $90 to $95 per week.

Numerous theoretical studies have been conducted by economists in recent years into the feasibility of a negative income tax and a few small-scale pilot projects have been initiated by some local governments.

However, approval of the new program marks the first time the federal government has participated in a field test of the theory by actually providing "graduated work incentive payments" to low-income families.

WISCONSIN UNIT SELECTED

The University of Wisconsin Institute for Research on Poverty, which will conduct the pilot project under an OEO grant, has described the program as "pioneering research" and "a landmark in the rational planning of economic legislation."

Although the project was approved by OEO four months ago, no public announcement was made by the antipoverty agency until Sept. 1 because of the sensitive nature of the work. That announcement was so cautiously worded that it attracted virtually no public attention at the time of its release.

The experiment is regarded as highly significant because many economists, both in and out of government, believe that such "income maintenance" or "income support" programs eventually will provide the most workable long-range solution to the problem of providing financial aid to low-income families.

OEO has prepared a confidential five-year program for elimination of poverty which calls for such payments to replace many of the traditional welfare programs. "Welfare payments as we now know them are incentives not to work," explained one of the men associated with the new pilot project.

In his economic message to Congress Jan. 26, President Johnson announced that he planned to establish a special commission to make a two-year study of proposed income guarantee programs.

"These plans may or may not be practicable at any time. And they are almost surely beyond our means at this time. But we must examine any plan, however unconventional, which could promise a major advance," the President said.

Johnson said that advocates of such programs "include some of the sturdiest defenders of free enterprise." Among the most outspoken supporters of the negative income tax is Milton Friedman, a University of Chicago economist who served as an adviser to Republican presidential nominee Barry Goldwater in 1964.

The negative income tax is only one of several proposed methods of providing a guaranteed income and at least partially replacing such conventional welfare benefits as Aid to Families of Dependent Children, Social Security and other programs.

According to the Wisconsin economists, the negative tax would "leave case workers free to provide social services to families in difficulty rather than acting as fiscal agents and policemen (and) also create an atmosphere in which social service and manpower training programs can operate more successfully."

The initial OEO grant, approved by the agency last June 30, will provide $620,000 in federal funds over and 18-month period. The agency expects to provide an additional $3.4 million to finance the experiment through the end of 1971.

Of the total of $4.08 million, approximately $2.9 million will go to the low-income families in the form of negative tax payments. The remaining funds are earmarked for travel, research, salaries, evaluation and similar expenses.

The University of Wisconsin is negotiating to subcontract the program to Mathematica, Inc., an independent research firm in Princeton N.J. with informal ties to Princeton University.

POVERTY AREAS

Mathematica will select poverty areas in two or three of these six New Jersey cities—Camden, Elizabeth, Jersey City, Newark, Paterson and Trenton. A total of approximately 1,000 low-income families in the designated cities will participate in the project.

About 800 of those families will receive an average annual tax payment of $1,200 apiece, while the remaining 200 families will act as a "control group" and receive $5 quarterly in return for their participation in a survey interview.

The payments are scheduled to begin next February and continue for three years. The initial seven months of the project are being used to plan and organize the project, while the last seven months will be used to analyze the results.

Mr. WILLIAMS of Delaware. Mr. President, I raised a question with the staff of the Joint Committee on Internal Revenue and Taxation as to their authority for such a program and Mr. Laurence N. Woodworth, chief of that staff, replied that, to the best of his knowledge, neither the Internal Revenue Code of 1954, nor any other tax law contains any authorization for a negative income tax plan such as the newspaper article refers to.

I most respectfully suggest that the head of this agency, before he proceeds further with this plan, come down to Congress and find out whether or not he can get legislative authority for such a socialistic idea.

Mr. President, I ask unanimous consent to have the letter I have referred to printed in the RECORD in full.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, November 2, 1967.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am writing in reply to your inquiry as to whether the tax laws contain any provision authorizing a "negative income tax."

Neither the Internal Revenue Code of 1954 nor any other tax law, to the best of my knowledge, contains any authorization or provision for a "negative income tax." To the extent any Government agency is carrying out an experiment with a "negative income tax," it must, in reality, be an expenditure program not authorized or provided for by the Federal tax laws.

Sincerely yours,

LAURENCE N. WOODWORTH.

FOREIGN SERVICE INFORMATION OFFICER CORPS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 699, S. 633.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 633) to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the U.S. Information Agency through establishment of a Foreign Service Information Officer Corps.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments, on page 2, line 5, after the word "effectively", strike out "the foreign affairs" and insert "such functions and"; in line 14, after the word "vital" strike out "foreign affairs"; in line 21 after the word "recruited,", strike out "be"; on page 3, after line 12, strike out:

AUTHORITY OF THE PRESIDENT

SEC. 5. The President shall from time to time prescribe broad policies and regulations with respect to the general administration of the Foreign Service officer system and the Foreign Service information officer personnel system and shall assure that the two systems are compatible with and, to the extent practicable, similar to each other.

APPOINTMENT AND ASSIGNMENT

SEC. 6. Subject to section 4, Foreign Service information officers shall be appointed and assigned at classes and salaries, and in accordance with requirements and procedures, which correspond to those classes, salaries, requirements, and procedures prescribed by sections 412, 413, 421, 422, 431, 432, 441, 500 through 502, 511, 512, 514 through 520, 571 through 575, and 578 of the Foreign Service Act of 1946, as amended.

And, in lieu thereof, insert:

POLICIES AND REGULATIONS

SEC. 5. The Foreign Service information officer personnel system shall be compatible with the Foreign Service officer personnel system. Toward this end, the Director with respect to the Foreign Service information officer personnel system and the Secretary of State with respect to the Foreign Service officer personnel system, after consultation with such officials as the President may determine, shall promulgate policies and regulations governing such systems. Both systems shall be administered, to the extent practicable, in conformity with general policies and regulations of the Federal Government issued in accordance with law.

APPOINTMENT AND ASSIGNMENT

SEC. 6. (a) Subject to section 4, Foreign Service information officers shall be appointed and assigned at classes and salaries, and in accordance with requirements and procedures, which correspond to those classes, salaries, requirements, and procedures, except with regard to career amabassadors, prescribed by sections 412, 413, 421, 422, 431(c), 432, 441, 500, 501(b), 502(b), 511, 514 through 520, 571 through 575, and 578 of the Foreign Service Act of 1946, as amended.

(b) The President shall, by and with the advice and consent of the Senate, appoint Career Ministers for Information.

(c) The Secretary of State may, upon request of the Director, furnish the President with the names of Foreign Service information officers qualified for appointment to the class of Career Minister for Information, together with pertinent information about such officers, but no person shall be appointed into the class of Career Minister for Information who has not been appointed to serve in an Embassy as a Minister for Public Affairs or appointed or assigned to serve in a position which, in the opinion of the Director, is of comparable importance. A list of such positions shall from time to time be published by the Director.

(d) The per annum salary of a Career Minister for Information shall be the same

as that provided by section 412 of the Foreign Service Act of 1946, as amended, for the class of Career Minister.

On page 6, line 10, after "Sec. 9." insert "(a)"; in line 14, after the word "officers.", strike out "And" and insert "Any"; after line 18, insert:

(b) In accordance with such regulations as the President may prescribe, any Foreign Service Staff officer or employee appointed by the Agency who has completed at least ten years of continuous service, exclusive of military service, in the Foreign Service of the Agency shall become a participant in the Foreign Service retirement and disability system and shall make a special contribution to the Foreign Service retirement and disability fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended.

(c) Any such officer or employee who, under the provisions of paragraph (b) of this section, becomes a participant in the Foreign Service retirement and disability system, shall be mandatorily retired for age during the third year after the effective date of that paragraph if he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one, and thereafter at age sixty.

(d) Any officer or employee who becomes a participant in the Foreign Service retirement and disability system under the provisions of paragraph (b) of this section who is age fifty-seven or over on the effective date of that paragraph, may retire voluntarily at any time before mandatory retirement under paragraph (c) of this section and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

(e) The provisions of paragraph (b) of this section becomes effective on the first day of the first month which begins more than one year after the date of enactment of this Act, except that any Foreign Service Staff officer or employee, who at the time this Act becomes effective meets the requirements for participation in the Foreign Service retirement and disability system, may elect to become a participant in the system before the mandatory provisions become effective. Such Foreign Service Staff officers and employees shall become participants effective on the first day of the second month following the date of their application for earlier participation.

At the top of page 9, strike out:

BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

SEC. 12. The functions of the Board of the Foreign Service and the Board of Examiners for the Foreign Service, established by the President pursuant to Reorganization Plan Numbered 4 of 1965, exercised with respect to Foreign Service officers shall be exercised with respect to Foreign Service information officers.

In line 10, change the section number from "13" to "12"; after line 18, insert a new section, as follows:

TRANSFER OF AGENCY FOREIGN SERVICE OFFICERS TO FOREIGN SERVICE INFORMATION OFFICER STATUS

SEC. 13. Agency Foreign Service officers on active service on the effective date of this Act shall, by virtue of this Act, be transferred from the classes in which they are serving on such date to the comparable salaries and classes of Foreign Service information officers established by this Act. Service in the former class shall be considered as constituting service in the new class for the purposes of determining (1) eligibility for promotion, in accordance with the provisions of section 622, (2) liability for separation, in accordance with the provisions of section 633, (3) continuation of probationary status pursuant to section 635, and (4) credit for time served toward in-class promotion in accordance with section 625.

And on page 10, after line 8, strike out:

SEC. 14. Notwithstanding any other provision of this Act and the last sentence of section 3320 of title 5 of the United States Code, section 3320 (except the last sentence thereof) of such title, relating to veterans' preference, shall be applicable to applicants for appointment and persons appointed as, Foreign Service information officers pursuant to this Act in like manner as such sections are applicable to applicants for, and persons appointed in, the competitive service.

And, in lieu thereof, insert:

SEC. 14. Notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that any applicant is a veteran or disabled veteran, as defined in section 2108 (1) or (2) of such title, shall be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service officers or Foreign Service information officers.

So as to make the bill read:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a category of officers of the United States Information Agency (hereinafter referred to as "the Agency") to be known as Foreign Service information officers.

STATEMENT OF POLICY

SEC. 2. It is the sense of the Congress that the establishment of a permanent career service for officers of the Agency who serve our country throughout the world in a vital function of the foreign relations of the United States is essential to enable the Director of the United States Information Agency (hereinafter referred to as "the Director") to carry out effectively such functions and responsibilities assigned to the Agency.

STATEMENT OF PURPOSES

SEC. 3. The Congress of the United States hereby declares that the purposes of this Act are—

(a) to provide a statutory basis necessary for a worldwide career officer personnel system designed to meet the continuing needs of both the Agency and those qualified citizens who shall serve as Foreign Service information officers in this vital activity;

(b) to give the Director the full range of personnel authority necessary to establish and administer the Foreign Service Information Officer Corps;

(c) to regularize the personnel system of the Agency by establishing a career service in which qualified Foreign Service information officers may be recruited, trained, and serve;

(d) to assure maximum efficiency and flexibility in the utilization of the talents of Foreign Service information officers; and

(e) to accord Foreign Service information officers the same rights and perquisites and to subject them to the same stringent judgment of performance as Foreign Service officers employed under the provisions of the Foreign Service Act of 1946, as amended.

AUTHORITY OF THE DIRECTOR

SEC. 4. Foreign Service information officers shall be under the direction and authority of the Director of the Agency. Authority available to the Secretary of State with respect to Foreign Service officers shall be available on the same basis to the Director of the Agency with respect to Foreign Service information officers, except as provided in section 11 of this Act.

POLICIES AND REGULATIONS

SEC. 5. The Foreign Service information officer personnel system shall be compatible with the Foreign Service officer personnel system. Toward this end, the Director with respect to the Foreign Service information officer personnel system and the Secretary of State with respect to the Foreign Service officer personnel system, after consultation with such officials as the President may determine, shall promulgate policies and regulations governing such systems. Both systems shall be administered, to the extent practicable, in conformity with general policies and regulations of the Federal Government issued in accordance with law.

APPOINTMENT AND ASSIGNMENT

SEC. 6. (a) Subject to section 4, Foreign Service information officers shall be appointed and assigned at classes and salaries, and in accordance with requirements and procedures, which correspond to those classes, salaries, requirements, and procedures, except with regard to career ambassadors, prescribed by sections 412, 413, 421, 422, 431(c), 432, 441, 500, 501(b), 502(b), 511, 514 through 520, 571 through 575, and 578 of the Foreign Service Act of 1946, as amended.

(b) The President shall, by and with the advice and consent of the Senate, appoint Career Ministers for Information.

(c) The Secretary of State may, upon request of the Director, furnish the President with the names of Foreign Service information officers qualified for appointment to the class of Career Minister for Information, together with pertinent information about such officers, but no person shall be appointed into the class of Career Minister for Information who has not been appointed to serve in an Embassy as a Minister for Public Affairs or appointed or assigned to serve in a position which, in the opinion of the Director, is of comparable importance. A list of such positions shall from time to time be published by the Director.

(d) The per annum salary of a Career Minister for Information shall be the same as that provided by section 412 of the Foreign Service Act of 1946, as amended, for the class of Career Minister.

PROMOTION

SEC. 7. Foreign Service information officers shall be promoted in accordance with the provisions of sections 621 through 623, and 626 of the Foreign Service Act of 1946, as amended, and shall receive within-class salary increases in accordance with section 625 of such Act.

SEPARATION AND RETIREMENT

SEC. 8. Foreign Service information officers shall be separated and retired in accordance with sections 631 through 637 of the Foreign Service Act of 1946, as amended.

PARTICIPATION IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

SEC. 9. (a) Foreign Service information officers shall be participants in and entitled to the benefits of the Foreign Service retirement and disability system under title VIII of the Foreign Service Act of 1946, as amended, on the same basis as Foreign Service officers. Any such Foreign Service information officer who becomes a participant in such system shall make contributions to the Foreign Service retirement and disability fund on the same basis as Foreign Service officers.

(b) In accordance with such regulations as the President may prescribe, any Foreign Service Staff officer or employe appointed by the Agency who has completed at least ten years of continuous service, exclusive of military service, in the Foreign Service of the Agency shall become a participant in the Foreign Service retirement and disability system and shall make a special contribution to the Foreign Service retirement and disability fund in accordance with the provisions of

section 852 of the Foreign Service Act of 1946, as amended.

(c) Any such officer or employee who, under the provisions of paragraph (b) of this section, becomes a participant in the Foreign Service retirement and disability system, shall be mandatorily retired for age during the third year after the effective date of that paragraph if he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one, and thereafter at age sixty.

(d) Any officer or employee who becomes a participant in the Foreign Service retirement and disability system under the provisions of paragraph (b) of this section who is age fifty-seven or over on the effective date of that paragraph, may retire voluntarily at any time before mandatory retirement under paragraph (c) of this section and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

(e) The provisions of paragraph (b) of this section becomes effective on the first day of the first month which begins more than one year after the date of enactment of this Act, except that any Foreign Service Staff officer or employee, who at the time this Act becomes effective meets the requirements for participation in the Foreign Service retirement and disability system, may elect to become a participant in the system before the mandatory provisions become effective. Such Foreign Service Staff officers and employees shall become participants effective on the first day of the second month following the date of their application for earlier participation.

OTHER APPLICABLE PROVISIONS OF LAW

SEC. 10. All other provisions of the Foreign Service Act of 1946, as amended, or of any other law, which apply to Foreign Service officers and are not referred to above, shall be applicable to Foreign Service information officers.

COMMISSIONING AND ASSIGNMENT AS DIPLOMATIC AND CONSULAR OFFICERS

SEC. 11. (a) The Secretary of State may, upon request of the Director, recommend to the President that Foreign Service information officers be commissioned as diplomatic or consular officers, or both, in accordance with section 512 of the Foreign Service Act of 1946, as amended.

(b) The Secretary of State may, upon request of the Director, assign Foreign Service information officers, commissioned as diplomatic or consular officers, to serve under such commissioners in accordance with sections 512 and 514 of the Foreign Service Act of 1946, as amended.

INTERPRETATION AND CONSTRUCTION

SEC. 12. For the purposes of this Act the term "Foreign Service officer" when used in the Foreign Service Act of 1946, as amended, or in any other provision of law shall be construed to mean "Foreign Service information officer" and the term "Secretary of State" when used with respect to authorities applicable to Foreign Service officers shall be construed to mean the Director of the United States Information Agency with respect to Foreign Service information officers.

TRANSFER OF AGENCY FOREIGN SERVICE OFFICERS TO FOREIGN SERVICE INFORMATION OFFICER STATUS

SEC. 13. Agency Foreign Service officers on active service on the effective date of this Act shall, by virtue of this Act, be transferred from the classes in which they are serving on such date to the comparable salaries and classes of Foreign Service information officers established by this Act. Service in the former class shall be considered as constituting service in the new class for the purposes of determining (1) eligibility for promotion, in accordance with the provisions of section 622, (2) liability for separation, in accordance with the provisions of section 633, (3) continuation of probationary status pursuant to section 635, and (4) credit for time served toward in-class promotion in accordance with section 625.

VETERANS' PREFERENCE

SEC. 14. Notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that any applicant is a veteran or disabled veteran, as defined in section 2108 (1) or (2) of such title, shall be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service officers or Foreign Service information officers.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and are agreed to en bloc.

Mr. MANSFIELD. Mr. President, this bill was reported from the Committee on Foreign Relations, as I recall, unanimously.

Mr. ELLENDER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. Will the Senator from Montana tell me what the bill would do?

Mr. MANSFIELD. The bill was reported unanimously by the committee. The purpose of the bill is to authorize a career personnel system for professional Foreign Service officers.

Mr. ELLENDER. That means we would put them in the same category as Foreign Service employees in the State Department?

Mr. MANSFIELD. To an extent, because they are under civil service now.

Mr. ELLENDER. I know.

Mr. MANSFIELD. The cost will be nominal. It will save money all around.

Mr. ELLENDER. Then we would be making of this agency a permanent organization now? They have advocated that ever since it was created.

Mr. MANSFIELD. In my opinion, it very likely will be a permanent organization.

Mr. ELLENDER. I do not think it should be.

Mr. President, I object to taking up the bill now.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action taken by the Senate in regard to Calendar No. 699 (S. 633) be vacated, and that the bill go back to its original position.

The PRESIDING OFFICER. Without objection, it is so ordered; and the bill is returned to the calendar.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT TO MONDAY

Mr. KUCHEL. Mr. President, would my able friend, the majority leader, inform the Senate what further business he contemplates undertaking this afternoon and what his plans may be for the rest of the week?

Mr. MANSFIELD. Mr. President, there will be no further action on any legislation this afternoon.

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I make that request because the calendar is pretty well cleared up at this time.

For the benefit of the Senate, it is anticipated that three bills will be reported today by the Committee on Labor and Public Welfare for consideration on Monday: Mental retardation, age discrimination, partnership for health.

It is our hope to dispose of these bills Monday and to consider on Tuesday Calendar No. 684 (S. 699), a bill to strengthen intergovernmental cooperation; also ready for consideration then will be the elementary and secondary education bill reported today from the Committee on Labor and Public Welfare.

On Wednesday the redistricting conference report will be brought to the floor for consideration.

Some time next week it is anticipated that the conference report on the public works appropriation bill will be before the Senate; also the conference report on the foreign aid authorization bill.

It is hoped that toward the end of next week the social security legislation will be ready for consideration on the floor.

In addition, the District of Columbia appropriation bill should be reported next week, probably for consideration on Wednesday or Thursday.

That is about the best I can tell the acting minority leader at this time. It appears that our schedule next week will be full and the week's work productive.

Mr. KUCHEL. I thank my able friend.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 noon Monday next.

The motion was agreed to; and (at 2 o'clock and 40 minutes p.m.) the Senate adjourned until Monday, November 6, 1967, at 12 meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 2, 1967:

NATIONAL LIBRARY OF MEDICINE

Bruno W. Augenstein, of Virginia, to be a member of the Board of Regents, National

Library of Medicine, Public Health Service, for a term expiring August 3, 1971, vice Russell Alexander Dixon.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning Lamar A. Byers, to be senior surgeon, and ending Phillip H. Buchen, to be senior assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 13, 1967.

HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 2, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

By this shall all men know that you are my disciples, if you have love for one another.—John 13: 35.

O God, our Father, who hast revealed Thyself in the history of mankind, who dost reveal Thyself to the open mind and heart of man today, make us responsive to Thee and grant us faith and fidelity as we live through the maddening maze of modern movements.

We rejoice when we realize that Thou art never far from anyone of us, and our hearts take courage when we think again that we can never drift beyond Thy love and care.

Grant that the spirit of love and concern may permeate our hearts and the good seed we sow this day bear fruit in an abundant harvest of justice and liberty for all. In the spirit of the Master we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 845. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Nebraska mid-State division, Missouri River Basin project, and for other purposes; and

H.R. 5364. An act to provide for the conveyance of the interest held by the United States in certain real property situated in the State of Georgia.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10805. An act to extend the life of the Civil Rights Commission.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 223. An act to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 6. An act to authorize the Secretary of the Interior to construct, operate, and maintain the initial stage of the Oahe unit, James division, Missouri River Basin project, South Dakota, and for other purposes;

S. 220. An act to authorize the sale of certain public lands;

S. 876. An act relating to Federal support of education of Indian students in sectarian institutions of higher education;

S. 1119. An act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians, and for other purposes;

S. 1367. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely;

S. 1391. An act to cancel certain construction costs and irrigation assessments chargeable against lands of the Fort Peck Indian Reservation, Mont.;

S. 2336. An act to determine the respective rights and interests of the Confederated Tribes of the Colville Reservation, and the Yakima Tribes of Indians of the Yakima Reservation and their constituent tribal groups in and to a judgment fund on deposit in the Treasury of the United States, and for other purposes;

S. 2515. An act to authorize the establishment of the Redwood National Park in the State of California, and for other purposes; and

S. Con. Res. 49. A concurrent resolution extending congratulations to the Parliament of Finland on the 50th anniversary of Finland's independence.

The message also announced that the vice president, pursuant to Public Law 84–689, appointed Mr. SPARKMAN, Mr. JACKSON, Mr. BAYH, Mr. MCINTYRE, Mr. MONDALE, Mr. JAVITS, Mr. COOPER, Mr. MUNDT, Mr. HANSEN, Mr. WILLIAMS of New Jersey, alternate, and Mr. MONTOYA, alternate, as delegates on the part of the Senate to the North Atlantic Assembly to be held at Brussels, Belgium, on November 20 to 25, 1967.

THE CONGRESSIONAL LOGJAM

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, in his press conference yesterday, President Johnson laid great stress on the unfinished business still before the Congress.

He talked about the uncertainty in the Nation about the tax bill and the level of appropriations for essential domestic and foreign programs.

He lamented the fact that basic urban rebuilding programs like model cities and rent supplements were cut far below their effective level.

He urged the passage of an antipoverty bill. And we all know that hundreds of thousands of Americans are depending on this House to do its duty and pass that measure.

Nowhere in his remarks did President Johnson demean or insult the Congress.

The tone of his press conference was, in fact, conciliatory.

President Johnson wants the Congress to perform its constitutional duties—pass the fiscal year 1968 budget, vote on a critical tax measure, pass needed laws for cities, for consumers, to protect rights, to help older people, to keep streets and homes safe.

President Johnson is not asking too much of this Congress. He is asking us to break the logjam of inaction and move ahead. He is speaking for the people.

I think Congress is presently moving on all these measures, but the pace must be greatly increased if we are to make the necessary progress.

I, for one, feel he has been diplomatic and tactful in his relations with the legislative branch. And I, for one, believe that the programs he is seeking are necessary and right.

PRESIDENT JOHNSON IS RIGHT IN ASKING CONGRESS TO PROMPTLY ENACT VITAL LEGISLATION BEFORE ADJOURNMENT

Mr. EILBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EILBERG. Mr. Speaker, I agree with my distinguished colleague. I think the newspaper accounts of President Johnson's news conference yesterday went much too far in characterizing it as an attack upon Congress.

In fact, Mr. Speaker, after reading the President's remarks carefully I wish to commend him for the fair and reasonable position he has taken in regard to pending legislation.

I think few of us would disagree with the President's analysis that while this session of Congress has not been as productive as others, it will stand reasonably well compared to previous Congresses.

And I think we would also agree that the House still has important work to be done before adjournment.

The war on poverty program is in serious difficulty, with many of its programs rapidly running out of funds. We must act quickly and positively on this appropriation.

The stock market is gyrating dangerously as investors wonder what Congress is going to do about checking inflation.

We also have the crime bill to consider, truth in lending, air pollution, firearms control, postal rates, and other key measures vital to the national welfare.

I join with the President in hoping that my colleagues will enact this legislation this session. And I join with those who have rightly noted that President Johnson did not insult the Congress yesterday, but rightly urged our prompt attention to vital legislation.

THE DISTINCTION BETWEEN AN ECONOMY BASED ON WAR AND ONE BASED ON PEACE

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House